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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
Thirteenth session
17 January-4 February 1994

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

## REPORT OF THE CHAIRPERSON

1. In her introductory statement, the Chairperson of the Committee gave an overview of the activities undertaken in the past 12 months and the results achieved. In an effort to increase the visibility of the Committee, she had participated, in her capacity as chairperson, at the thirty-seventh session of the Commission on the Status of Women, the World Conference on Human Rights, the meetings of the Third Committee of the General Assembly during its discussion of the agenda item entitled "Advancement of Women" and other international conferences and events. She had frequently been confronted with a regrettable lack of knowledge about the Convention and the Committee. The limited financial and human resources of the secretariat were one of the reasons why so few outreach activities could be undertaken in the past.

2. In her contacts with the specialized agencies of the United Nations, in particular the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), she had received positive feedback and indications of possible cooperation, e.g., in the field of human rights education and the treatment of the rights of the girl-child. She emphasized the important activities undertaken by NGOs active in women's human rights and suggested investigating ways to utilize their contributions more actively.

3. The World Conference on Human Rights in Vienna represented a milestone for the recognition of the human rights of women. She noted that CEDAW suggestion No. 4 had been a useful tool in drawing up the resolution elaborated by the Commission on the Status of Women for the World Conference on Human Rights, and she supported the efforts of NGOs in amending the final document of the World Conference. The Vienna Declaration and Programme of Action recognized the Convention on the Elimination of All Forms of Discrimination against Women as an important international instrument in the field of women's human rights. It also put the Committee on an equal footing with other human rights treaty bodies. Concerning the plans being elaborated by the Centre for Human Rights of the United Nations Secretariat for the implementation of the Vienna Declaration, she said that the Committee should react immediately and suggest action on the areas.

4. Concerning the working methods of the Committee, the Chairperson suggested introducing a new procedure for the examination of the reports of States parties, in particular for the formulation of final observations, following procedures adopted by other human rights treaty bodies. She suggested that the Committee consider entrusting an expert, or experts, to take the lead in studying each report. The Committee might consider preparing questions on initial reports in the same way as it had prepared questions for second and subsequent reports.

5. With regard to reservations to the Convention, neither the Vienna Declaration and Programme of Action nor the recommendations of the persons chairing human rights treaty bodies had gone further than the previous proposals for reconsideration and withdrawal of reservations by States parties.

6. Delay in the submission of reports due by States parties should be considered a violation of international obligations and should not prevent the Committee from examining the situation in a particular country and reaching final conclusions. She pointed out the need to prepare the Committee's contribution to the International Conference on Population and Development and to the World Summit for Social Development. The Committee might also wish to reflect on its input to the Fourth World Conference on Women, in addition to the compendium already foreseen. She emphasized the need to give effective expression to the recommendations on articles 9, 15 and 16, and suggested that the agreed-upon text might be edited to make it more accessible, concise and flexible.

## WAYS AND MEANS OF IMPLEMENTING ARTICLE 21 OF THE CONVENTION

7. The Committee considered ways and means of implementing article 21 of the Convention at its ... and ... meetings on ... January 1994.

8. The item was introduced by the Deputy Director of the Division for the Advancement of Women, who presented the report prepared by the secretariat.

## WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

9. The Committee considered ways and means of expediting the work of the Committee on the Elimination of Discrimination against Women at its ... and ... meetings on ... January 1994.

10. The item was introduced by the Deputy Director of the Division for the Advancement of Women, who presented the report prepared by the secretariat.

11. A representative of the Centre for Human Rights informed the Committee that the issue of the equal enjoyment of human rights and fundamental freedoms by women had been reflected in the Vienna Declaration and Programme of Action.

12. The Conference had set the goal of universal ratification of the Convention on the Elimination of All Forms of Discrimination against Women by the year 2000, and had taken particular note of the recommendations made by the Committee on the Elimination of Discrimination against Women at its eleventh session, in January 1992, which had urged that the overall issue of reservations to human rights conventions be placed on the agenda of the World Conference on Human Rights.

13. She emphasized that the World Conference on Human Rights had also stressed the importance of working towards the elimination of violence against women, as well as the elimination of all forms of sexual harassment, exploitation and trafficking in women, gender-bias in the administration of justice and the eradication of any conflicts that might arise between the rights of women and the harmful effects of certain traditional or customary practices, cultural prejudices and religious extremism.

14. She drew the Committee's attention to the recommendation of the World Conference regarding a human rights education decade, the preparation of which had subsequently been adopted by the General Assembly in its resolution 48/127 of 20 December 1993.

15. The World Conference had recommended that steps should be taken to increase cooperation and promote further integration of objectives and goals between the Commission on the Status of Women, the Commission on Human Rights, the Committee on the Elimination of Discrimination against Women, the United Nations Development Fund for Women, and other United Nations agencies. In that context, it had also called for strengthened cooperation between the Division for the Advancement of Women and the Centre for Human Rights.

16. She outlined the work that had been carried out by other human rights treaty bodies, with particular reference to the human rights of women.

17. She also drew the Committee's attention to Commission on Human Rights resolution 1992/46 of 8 March 1993, entitled "Integrating the rights of women into the human rights mechanisms of the United Nations", which encouraged closer cooperation between the Committee on the Elimination of Discrimination against Women and other treaty bodies. In order to implement some of the provisions of the Vienna Declaration and Programme of Action, the Centre for Human Rights intended to establish a focal point on women's issues in the office of the

Assistant Secretary-General for Human Rights, to deal with matters relating to the human rights of women within the Centre, as well as system-wide, especially in view of the upcoming Fourth World Conference on Women.

18. She emphasized that, in view of the increasing backlog of reports and other matters awaiting consideration, both the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights had decided to request the holding of additional sessions in 1994. Similarly, the Human Rights Committee had asked that its forthcoming summer session be extended by one week to allow additional time for the Committee to deal with the heavy backlog of communications under the Optional Protocol and reports from States parties.

19. Replying to the questions raised by many experts concerning cooperation between the Centre for Human Rights and the Division for the Advancement of Women, the representative of the Centre stated that, over the past couple of months, there had been a number of high-level contacts between the Centre and the Division with a view to increasing cooperation between the two bodies.

20. With regard to NGOs, the representative of the Centre reported that both the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights had taken steps to involve NGOs in their work and had set aside time for them to make oral statements. NGOs had also provided materials in conjunction with the consideration of country reports.

21. At its 250th meeting, the Committee held a general discussion of its functioning, its relationship with other human rights treaty bodies and the secretariat servicing of the Committee.

22. Many members noted that the work programme of the Committee had been increasing and had reached a level that was too heavy to ensure that the results would be of the quality expected of the Committee. The number of periodic reports being considered during each session was too large for the time available and much higher than for other treaty bodies. One expert noted that the uniformity of the presentation and consideration of the reports had resulted in a somewhat mechanical approach to that function.

23. It was stated that the nature of the Committee's activities had changed in the wake of the World Conference on Human Rights and that its sphere of activity now extended beyond merely reviewing reports. The function of providing commentaries on articles of the Convention through general recommendations and contributions to significant United Nations conferences and events had expanded. It was pointed out that the effort to provide general recommendations had perhaps proceeded at too rapid a pace, and the Committee should consider slowing the pace in order to ensure that the quality of the final recommendations would meet the highest professional standards.

24. It was noted that the restriction on meeting time for the Committee was a significant factor contributing to its difficulties in completing its work programme.

25. A number of suggestions were made relating to the organization of work. The possibility of designating experts to specialize in initial reports to be

considered at the next session, as had been discussed at past sessions of the Committee, was raised, as was the possibility of regionally based pre-session meetings. The idea of using electronic-communication technology to facilitate communications among experts and with the secretariat was also discussed. Members suggested having the Bureau of the Committee meet with the secretariat, in advance of sessions, in order to plan the work. The need to emphasize analytical rather than clarificatory questions was advanced. It was noted that not all experts had provided the pre-session Working Group with questions that could be taken into account in preparing the questions sent to the reporting States. One member suggested that the report of the pre-session Working Group be reviewed before the questions were sent to the respective States. Another suggestion put forward was that, in order to allow adequate time for organizational matters, no reports should be considered on the first day of the session.

26. Many members emphasized the need to provide orientation to newly elected members. It was suggested that some form of orientation manual be prepared, that communications with new members commence during the year of their election and that time be set aside at the beginning of the session during which new members were welcomed in order to provide orientation.

27. Most experts expressed concern about the quality of servicing provided to the Committee. One expert stated that the servicing had been the worst in the history of the Committee. Others noted that the transfer of the Division for the Advancement of Women from Vienna had hampered servicing. In principle, the Committee should receive the same level and quality of servicing as other human rights treaty bodies.

28. It was stated that the Committee had not received adequate professional support in terms of the legal expertise needed by the Committee; the Chairperson had not been adequately supported by the secretariat; and there was insufficient secretarial and other support. It was suggested that the Secretary-General establish an identifiable unit that would work with the Committee throughout the year, which could provide communication with members, service initiatives taken by the Chairperson and be a focal point for requests for information about the Committee and advisory services. The importance of filling the now vacant position, formerly occupied by the Secretary of the Committee, with a highly qualified professional, was emphasized. It was important to know, at the outset of the session, which individual staff members of the secretariat had been assigned to what tasks, so that experts could be clear about whom to approach on specific matters.

29. Concern was expressed about the speed with which translations had been made available to the Committee.

30. The Secretary-General of the Fourth World Conference on Women, as the official responsible for supervising the work of the Division for the Advancement of Women as secretariat for the Committee, replied to questions. She stressed the changed political role of the Committee in the aftermath of the World Conference on Human Rights. She noted that the problem of resource levels was common to all units in the United Nations system dealing with women's issues and that the transfer of the Division from Vienna had involved logistical

problems that had hampered servicing. She said that those problems should not be taken as an excuse for failings in the servicing of the session. She had made efforts to improve coordination with the Centre for Human Rights. She stated that a specific unit should be created within the Division for the Advancement of Women to deal with women's human rights, including the servicing of the Committee. That would improve the career prospects of staff and ensure mobilization of technical support to the Committee.

## V. PROVISIONAL AGENDA FOR THE FOURTEENTH SESSION OF THE COMMITTEE

31. The Committee considered item 7, relating to the provisional agenda for the fourteenth session of the Committee, at its ... and ... meetings on ... January 1994.

32. The Deputy Director of the Division for the Advancement of Women introduced the proposed agenda. 1/

33. On the basis of the report of Working Group I, the Committee decided, at its ...th meeting, to approve the following provisional agenda:

1. Opening of the session.

2. Solemn declaration by new members of the Committee.

3. Election of officers.

4. Adoption of the agenda and organization of work.

5. Background report of the Chairperson on the activities undertaken during the year.

6. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.

   Documentation

   Report of the Secretary-General on the status of submission of reports by States parties under article 18 of the Convention

   Reports of States parties to be considered at the fourteenth session

7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.

   Documentation

   Note by the Secretary-General on reports provided by specialized agencies

Report of the secretariat: analysis of article 2 of the Convention

Report of the secretariat on the implications for the work of the Committee of the priority themes of the Commission on the Status of Women

8. Ways and means of expediting the work of the Committee.

Documentation

Report of the secretariat on ways and means of expediting the work of the Committee

9. Consideration of the report of the fifth meeting of persons chairing the human rights treaty bodies and action taken by the General Assembly concerning treaty bodies.

Documentation

Report of the fifth meeting of persons chairing the human rights treaty bodies

10. Contribution of the Committee to forthcoming international conferences.

Documentation

Report of the secretariat transmitting the draft of the compendium in the achievements of the Convention on the Elimination of All Forms of Discrimination against Women.

Notes

1/ CEDAW/C/1994/6, annex II.

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Addendum

## III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

### Zambia

1. The Committee considered the combined initial and second periodic report of Zambia (CEDAW/C/ZAM/1-2) at its 241st and 246th meetings, on 24 and 26 January 1994 (CEDAW/C/SR.241 and 246).

2. In introducing the report, the representative of Zambia emphasised that her country was undergoing serious and far-reaching changes in the political and economic field. After 18 years of one-party participatory democracy, Zambia had reverted back to the multiparty system in 1991. While the women's league of the ruling party had been the sole custodian of women's interests before, each party had now a women's programme. The Government had assumed responsibility for the advancement of women by establishing a women's affairs desk in all government ministries and a women-in-development unit in the National Economic and Planning Department.

3. Zambia had changed from Socialist central planning to a free-market economy. Vigorous efforts had been undertaken in the past two years to

transform the country's economy. SAPs, first introduced in 1987 and reinvigorated in 1991, had had far-reaching consequences. The reports reflected the impact of those measures on women and programmes related to women in development. SAPs had led to the neglect of social development of the country and brought with them diminishing opportunities for women. Suggested cutbacks in the civil service, the greatest employer of women, would affect women and reduce their already limited job opportunities. Infant mortality and malnutrition was increasing because mothers could not provide the needed maize, the basic community, after subsidies had been cut and prices increased.

4. The representative explained how historical and cultural factors had impeded the advancement of women. Zambia was male-dominated in all walks of society, from the formal employment sector to the basic family unit. Stereotyped education and lack of investment in girls' education was one of the main reasons for the continued male dominance. In 1994, families were still not prepared to invest in the education of their daughters as they would for a son. Back to the early days of colonialism, preference had been given to male education whereas girls' education was stopped at junior standard secondary school. That situation was changing only at a very slow pace.

5. Zambia had subscribed to the goals of equality, development and peace set for the United Nations Decade for Women and built up activities to change grass-root realities. The Convention had been ratified in February 1985 without reservations. NGOs had become involved and manifested themselves in different lobby groups, e.g. among the professional women and in the Christian community, where they were caring for disadvantaged women.

6. The Government had made a series of constitutional and legal amendments since 1991. Article 23 of the new Constitution redefined discrimination as widely as possible and included for the first time discrimination on grounds of sex. The previous Constitution of 1964 did not prohibit that kind of discrimination and had been broadly accepted since it was a general view that women needed protection.

7. Regarding temporary special measures as contained in article 4 of the Convention, she reported on action taken by the Government to accelerate equality of men and women. Girls were encouraged to take up technical subjects such as science and mathematics. To increase the level of girl's education, the cut-off points for girls to qualify for secondary education had been lowered and a quota of 20 per cent for girls had been introduced in science colleges. Working women's access to loans had been facilitated, since the consent of the husband was no longer required.

8. The new Government was moving towards uniting customary and statutory law, which would positively affect the status of women. So far customary law had a large bearing on the determination of the issue of marriage and inheritance.

9. Referring to article 7 of the Convention, she confirmed that women in her country had always played an active role in politics. They were the majority of voters, but their representation in Government was low. Only nine of the 160 members of parliament were women, the Cabinet had only two women and there were few women ambassadors. Since the educational system had been discriminatory

against women, women could not fill up that gap through political involvement only. The present re-examination of the educational system would have a tremendous impact on women.

10. Women's issues could not be the centre of attention at a time when the survival of the country as a whole was at stake. The Government had made an effort to consider the situation of women by institutionalizing the offices for the advancement of women, but for the next five years that topic would not come to the centre of the stage, owing in large part to the reconstruction of the economy.

## 1. General observations

11. Members of the Committee thanked the representative of Zambia for her clear and frank introduction to the report and the efforts deployed in the preparation of the report, in particular the addendum, which had been compiled in accordance to suggested reporting procedure and guidelines. Members recalled that they had appealed at previous sessions to States parties to send representatives involved in the preparation of the report for presentation to the Committee. Members commended the Government of Zambia for its commitment for the advancement of women and its ratification of the Convention as early as 1985 without reservations. They took note of the difficulties experienced while trying to translate that commitment into practical steps.

12. Members expressed their concern about the devastating effects of SAPs on women and the relegation of women's issues to the backstage as experienced in Zambia. That was a world-wide phenomenon, and it was recommended that the Committee draw the attention of the international community to the issue. The contradiction that existed between the Convention's article 13, dealing with the elimination of discrimination against women in areas of economic and social life, and the negative impact of SAPs on women needed to be highlighted by the Committee. Zambia was forced to breach article 13 and to a lesser extent article 11 of the Convention because of the economic measures imposed. However, the development of a country depended on the integration of women in development since women accounted for half of the population. Cutting back on women's programmes in times of crisis sounded like an easy excuse from a patriarchal system. In periods of radical reform, it was essential that women be involved in public life and decision-making on important matters such as finances and economic measures.

13. Members requested further information on CEDAW recommendations Nos. 14 and 19. The representative replied that there was no tradition of female circumcision in any part of the country. There were only customs related to the personal hygiene of girls when they reached puberty. Violence against women was widespread and even traditionally accepted as a way of disciplining a wife. Under the Zambian Penal Code, violence against women was a crime and treated as an assault. The Government had been encouraging prosecutions of offenders. Since most women were economically dependent on their husbands and afraid to lose their matrimonial home, they were very reluctant to prosecute their aggressors. Some women did not admit that they had been abused and considered battering as a sign of man's affection.

14. More information was sought on the fact that Zambian law recognized equality between men and women with regard to legal capacity. The representative stated that men and women had the same legal status as persons under the law. The only outstanding legislation that was discriminatory concerned citizenship for the foreign spouse of a Zambian woman. That provision of the law was meant to prevent "marriages of convenience" but was being reconsidered.

15. Members commended the establishment of women's affairs desks in all government ministries as a good example of mainstreaming women's issues and asked whether the Women-in-Development Unit in the National Commission for Development Planning had really fulfilled its objective. The representative replied that the Unit of the Department of Planning and Development Cooperation, formerly the National Commission for Development Planning, was coordinating women's development and women's rights issues. It gathered information and material and made input into development plans and budgetary provisions.

16. Members acknowledged the work accomplished by the Women's League, which had been linked to the previous ruling power. Referring to the establishment of new NGOs and their important role in society, they wanted to know what impact NGOs had on the Women's League and the Women-in-Development Department. The representative stated that, during the one-party participatory democracy, NGOs operated parallel to the Women's League, which was the political wing of the then ruling party. Women's issues were treated differently by the NGOs, which played a supplementary role vis-à-vis the Women-in-Development Department since they had a wider sphere of influence.

17. Questioned about the role of NGOs in changing stereotypes in education and communication, the representative replied that their educational and political activities, both on television and on radio, were very important. They also worked with the National Curriculum Development Department of the Ministry of Education on the revision of the curriculum and educational material.

18. Recalling the considerable time that had passed since Zambia's independence and its ratification of the Convention, members expressed concern about the slow pace in promoting the status of women. They asked whether the measures taken in education and legal reform were not adequate or if the force of customs and the impact of economic reforms prevented progress. The representative considered a combination of different factors as being the main reason. Although some customary beliefs and practices prevented the advancement of women, education had a positive impact on women's self-confidence and on their families who acknowledged the benefits of girls' education. With the advent of SAPs the pace was slowing down temporally, but the legal ground for equality had been prepared.

19. Members wanted to know if there were inherent traditional social factors that prevented women from enjoying their rights fully, in particular the right to employment. The representative explained that basic education and some basic trade skills were the first condition to be in gainful employment in Zambia. Most women in Zambia would be in employment before their marriage, but suspended their professional life once they had to take care of children and a household of their own. Support systems for care did not exist, nor did a concept of

sharing household chores. Day-care centres were a new and expensive phenomenon in the urban areas. Women therefore had no other possibility than to sacrifice their career progression for caring responsibilities.

20. Members regretted the lack of statistical data, which should be given more room in subsequent reports. The representative said that an effort would be made to provide more data and detailed information on women's living conditions in Zambia in the third periodic report.

## 2. Questions related to specific articles

### Article 2

21. Members asked for further information on the reform of the Constitution in 1991 and whether it still contained provisions that allowed discrimination against women. They wanted to receive information on a constitutional committee set up by the President to undertake a harmonization of the Constitution. The representative stated that, in the Constitution of Zambia Act, 1991, the only outstanding issue regarding discrimination was the provision relating to citizenship of foreign men married to Zambian women, which was currently under revision. The Constitution of Zambia Act No. 1 of 1991 addressed the issues of discrimination against women since an offending article 23 of the previous Constitution had been amended and given wider definition. The Constitutional Committee was reviewing the Constitution with a view to securing final approval for the amended Constitution. Asked about measures taken to remove all customary laws, the representative stated that the Constitution prohibited the practice and enforcement of customary laws that were repugnant to natural justice. However, customary law was part of the way of life in Zambia and not codified. There was no ground for removing customary law that was tradition and did no harm. Asked about the situation of widows and their children, the representative said that the question of custody was not an issue in her country since it was generally the widow who took care of her children. Only if she was not able to do so owing to illness or economic hardship would the extended family take charge. If a women lost custody over her children, she could make a petition to the high court. Widows had always been traditionally well protected, but there had been an upsurge of ill-treatment of widows, especially in the urban areas, linked to the advent of the money economy and new-found materialism.

### Article 3

22. Members stated that the report did not present all appropriate measures taken to ensure the full development and advancement of women as required under the article. Hope was expressed that the subsequent report would cover those questions accordingly. More details were required on the budget of the national machinery and its structure. Members asked for a description of the objective situation of women, in particular persisting traditional customs that affected women negatively. The representative said that those questions would be appropriately addressed in the subsequent report.

Article 4

23. Members welcomed the integration of a chapter on women in development in the fourth national development plan (1989-1993) and asked for the results achieved as well as information on the coordination of women's activities in the different areas.

24. They wanted more information on temporary special measures, including the lowering of cut-off points for girls to qualify for secondary education and the introduction of a quota system for girls in science colleges. They wanted to hear about the reasons for lowering grading and if the society accepted that measure. The representative informed the Committee that girls and boys had the same curricula, the same examinations and the same teachers. Ninety per cent of the schools were coeducational. Affirmative action was a means to enable more girls to have access to higher education, since girls were a minority from the first day in school and even more so at the end of the seven-year primary education cycle, when more girls had dropped out. That did not imply that girl's educational achievements were bad. The measure had been generally well accepted, although some felt that women should compete on an equal footing with men.

Article 5

25. Members wanted to know which measures had been taken to change the practice of dowry and bride price and whether progress was achieved in the rural areas. The representative stated that the payment of a bride price, which had always been a token, was widespread practice and very well accepted. No substantial change in the practice was reported from the rural areas.

26. Asked whether women could get divorce, the representative replied that divorce procedures were different for marriages contracted under the Marriage Act, which had to be dissolved in the High Court of Zambia, and customary marriages, which could be dissolved in local courts. Regarding a question on the activities of the Women-in-Development Department and NGOs to combat violence against women, the representative stated that violence against women was a high-profile topic dealt with in seminars, television and radio interviews and theatrical performances.

Article 6

27. Members found it discriminatory that in the case of prostitution, which was an illegal activity, only women were taken to police stations and not their male customers. They expressed the view that considering prostitution illegal and arresting prostitutes did not resolve the problem, but rather exacerbated it. They referred to the pick-up of prostitutes in streets and asked whether women had the opportunity to prove their innocence after being arrested. The representative noted that trafficking in women was not a problem in Zambia, but that prostitution existed. A woman arrested for prostitution must be charged and prosecuted in a court of law, where she had an opportunity to prove her innocence or to sign the admission-of-guilt form.

Article 10

28. Members expressed their concern about the high illiteracy rate among women. The representative replied that Zambia had one of the best "functional" literacy programmes, which were community-based in the rural and the urban areas. Various women's activities were used for those programmes, which taught women how to unite. Questioned about the main reasons for the high drop-out rates of girls from school after the first level, the reply was that large family sizes made it economically difficult for parents to send all their children to school. Preference was given to the education of sons, who were expected to become the breadwinners of the extended family. Little value was attached to the education of girls, who were traditionally prepared for their future role as good wife and good mother.

Article 11

29. Members observed that the heavy involvement of women in the informal sector was a predominant feature in developing countries. Those women were often harassed by police and law enforcement for their activities. The informal sector had an illegal connotation, although women in the informal sector contributed to the economy and paid taxes. Women in the informal sector should start to organize and negotiate with the Ministry of Labour. The international community should look at women's activities in the informal sector. Stating that employment and the economic sector were most important for the status of women, members asked if the Government was taking measures to provide jobs for women. In her reply, the representative referred to the Constitution of Zambia, which recognized the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. The Government was committed to providing jobs for women, but the SAP had brought with it a contraction of the labour market, which should be only temporary. Asked if there was a professional orientation for the jobs that were available for women on the job market, she said that women were not oriented towards certain professions or fields, but free to go for a career of their choice depending on their qualifications.

Article 12

30. Members asked for more information on women's reproductive rights and the use of contraception. The representative replied that women traditionally had no control over their reproductive rights and could not refuse to have children. The basis of a marriage in a traditional setting was to have children. The use of contraceptives was widespread. In reply to the question whether abortion was allowed, she said that, under the Termination of a Pregnancy Act, an abortion could be performed on medical grounds only, if there was a threat to the life of the mother or the foetus and on recommendation of three medical practitioners. Members also wanted to know if there was a population policy to lower the birth rate. The representative said that the Government was intervening to lower the birth rate through the provision of family planning services and free contraceptives. Population trends indicated that Zambia's population could double in the next 20 years if the growth rate of 3.2 per annum was maintained. Members sought an explanation for the demographic imbalance in the population, with 60 per cent of the population being female. The representative said that

it could not really be explained, but was due to the high female birth rate and high male death rate. Life expectancy for females was 55 years while it was 53 years for men. There was no out-migration of men that left women on their own. Internal migration from rural to urban areas had involved the most productive groups, mainly the young, better educated and enterprising elements, and had had negative effects on both the rural and the urban areas.

31. The mortal diseases affecting women were malaria, disorders of pregnancy, delivery complications, disease of the genitro-urinary system, accidents and injuries, respiratory diseases and AIDS-related complications.

32. Concerning maternity leave for employed women and family benefits for women, the representative stated that women were entitled to three months of paid maternity leave after two years of service and at intervals of two years according to the Employment Act. That was considered a good family planning policy since it allowed for spacing of children.

Article 14

33. Members stated that the situation of rural women was very critical and required information on the hardship of rural women, the constraints on their time and the success and failure of development programmes.

Article 15

34. The Committee asked for more information on the financing, staffing and functions of the women's affairs subcommittee.

Article 16

35. Members sought more information on the number of female-headed households, their economic situation, their concentration in rural and/or urban areas and their strategies for survival. The representative said that she was unable to provide replies to the questions under articles 14, 15 and 16. Responses would be incorporated in the third periodic report.

Concluding observation

36. In her concluding remarks, the representative stressed that women in Zambia had not benefited as much as men from the services and opportunities of the country although the constitutional statutes did not discriminate against women. Equal opportunities meant also equal sharing of responsibilities between women and men, both inside and outside their homes, but women's workload in the household was disproportionately larger. She stated that SAPs had fallen heavily on women. However in the restructuring process and the new liberal environment, measures were being taken that would enable women to attain a quality of life that would be equal to that of men.

37. Members commended the Government of Zambia for its effort to eliminate de jure discrimination while harmonizing the Constitution and to institutionalize the national machinery for the advancement of women. The Committee thanked the representative of Zambia for her knowledgeable

presentation and the competent way in which she had replied to the questions. Members looked forward to receiving the outstanding information in the third periodic report. The Committee also encouraged the representative to comply with the guidelines for the establishment of reports in the preparation of the next report.

38. With regard to customary law, the Committee stated that customary practice and customary law had different meanings in the various cultures but needed to be examined as to their impact on women. If they affected the status of women negatively such as forced marriage or circumcision, then they needed to be eliminated. There was no question of rejecting all customary practices and traditions. Countries went through a transitional period when they had to decide which practice to keep or to eliminate; it was important to have the choice. The Committee encouraged the Government to identify cultural practices that might have stemmed from pre-colonial times under each article of the Convention. That would help the country and the Committee better to understand how customary practice affected women. Members also invited the representative to consider how other countries of the region had tackled customary practice and law.

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Thirteenth session
17 January-4 February 1994

ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

## III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

### Guatemala

1. The Committee considered the combined initial and second periodic report of Guatemala (CEDAW/C/GUA/1-2 and Corr.1 and Amend.1) at its 242nd and 246th meetings, on 24 and 26 January 1994 (CEDAW/C/SR.242 and 246).

2. In introducing the report, the representative of the Government said that unfortunately, owing to financial constraints, the persons most qualified to present the report could not come to address the meeting, but that all their comments and recommendations would be analysed and taken into consideration for the elaboration of future policies and in the preparation of the subsequent report. Gender-based studies had been undertaken and certain aspects had undergone changes owing to the successive changes in administration and government policy. She gave updated information concerning the Government and demographic data. On 5 June 1993, the state of law had been restored and with the nomination of the new President, democracy had been reinstated. According to the most recent projections, 49.5 per cent of the population was women, of which 62 per cent lived in rural areas. She assured the members that the new President placed special emphasis on the protection of human rights.

## 1. General observations

3. Members welcomed the ratification of the Convention without reservations and the well-structured, extensive and frank report that had followed the Committee's guidelines and reflected the Government's effort to integrate women into the life of the nation. It was noted that all sectors of society were represented in the preparation of the report. However, it was felt that the report could have been more analytical and that it lacked information on the de facto situation and on policies carried out to enact related laws. It was suggested that the report did not clearly indicate whether progress had been made since the ratification of the Convention or whether the advancement of women, had encountered many obstacles. The report was said to lack information on national programmes to implement the policy of non-discrimination.

4. Regret was expressed that no one from the body which had prepared the report could attend the meeting. While the report stated that women were not discriminated against in the country, it was noted that the country was divided in terms of class and race and that there was discrimination against indigenous women. Experts asked whether the National Office of Women's Affairs was undertaking any measures to counteract that phenomenon. Members also drew attention to the fact that there was no reference to the shortcomings in the Civil Code, which contained provisions that were discriminatory to women, although they had been objected to by non-governmental organizations (NGOs).

5. In replying to those observations the representative of the Government emphasized the priority attached to women's issues in the country and said that, owing to the current austerity plan, it was difficult to send government representatives from the country to international meetings. The socio-economic and political context in which the Convention was implemented had to be taken into account in order to determine whether national laws and their application were appropriate and whether or not they should be considered discriminatory to women. She said that an appeal had been made to the Constitutional Court regarding the unconstitutionality of certain provisions contained in the Civil Code. She read out the judgement that had been consequently handed down, in which the Constitutional Court said that the Constitution protected the person and the family, guaranteed freedom, the development of the human being, liberty, equal rights and equal opportunities and responsibilities for women and men and stipulated the protection of motherhood. Upon ratification, an international treaty such as the Convention automatically became part of the Constitution and made it mandatory for the State to adopt only legal measures that were not discriminatory towards either sex. According to that ruling, none of the legal provisions contained in the Civil Code were unconstitutional, and therefore contrary to the principle of non-discrimination.

6. Members pointed out that no explanation was given in the report about any family-planning policy or about steps taken to upgrade the health of women and children. It was also not clear from the report whether the machinery to implement policies to promote the status of women had been upgraded.

7. Members noted the significant responsibilities of women in Guatemala, including those for health, hygiene and family nutrition, but that women were not given the same importance as men in outside work and in politics.

8. It was observed that political violence conditioned people to tolerate violence in general, which had an effect on attitudes towards violence against women. Political violence had to stop so that women could once again enjoy harmony and find their rightful place in society. The representative explained that the Government was currently trying to consolidate peace in order to ensure that women could enjoy well-balanced development free from violence.

9. Members expressed alarm at the ruling of the Constitutional Court, especially in a country where the content of an international treaty became part of domestic law, once the treaty had been ratified. They said that if the country wished to implement the Convention, it ought to amend some of its laws, particularly the provisions regarding family law and gender stereotypes. The presentation of the report showed that the Government did not attach much importance to women's issues and the replies given in the report only increased the Committee's concerns about the discriminatory nature of the Civil Code. There was incompatibility between the obligations undertaken by ratifying the Convention and the actual legal situation as well as its interpretation by the Constitutional Court. Members noted that this position was completely unacceptable and suggested that the Government should seek assistance from the United Nations in correcting its legislation and in preparing its subsequent report. Members requested that the Government be asked to present a special report to inform the Committee about efforts made to redress the impact of the discriminatory laws.

## 2. Questions related to specific articles

### Article 5

10. With reference to the traditional role of women in society, members expressed the need for the Government to extend more educational efforts to women. They asked which measures the Government or NGOs had undertaken to promote the implementation of article 5 not only in respect of changing the laws, but also in respect of doing away with socio-cultural stereotypes vis-à-vis women. The representative said that, in the opinion of some elements of society, the role of women was considered to be inferior to that of men, whereas in reality such was not the case. Education programmes were currently under way to teach men to acknowledge the participation of women in society and to share the responsibility for educating the children.

11. Members also asked whether any specific measures had been carried out in rural areas. When members requested more detailed information on the issue of violence, the representative said that education campaigns were currently being carried out to eradicate violence against women and that the subsequent report would contain information on the results of those campaigns and statistical data.

### Article 6

12. Considering that Guatemalan society appeared to view prostitution with indifference and tended to blame prostitution on the women themselves without taking into consideration the social and economic environment, such an attitude

entailed the risk of exploitation by men. Society should consider the reasons why women were in that situation. Members requested statistical data related to prostitution, including information on the age bracket and the social strata of the women involved, and asked whether health, education and rehabilitation services had been set up for those women.

13. The representative was convinced that these evils were caused by lack of adequate education and said that the aim of the Government was to find training and new working opportunities for those women. NGOs had elaborated specific training programmes.

Article 7

14. Satisfaction was expressed that illiterate women were no longer discriminated against in their voting rights. Members requested statistical data on the number of women who participated in elections and on the political inclinations of women and asked whether women in rural areas were restricted in exercising their voting rights.

Article 10

15. Members asked what measures had been undertaken to revise school books or train educators with a view to eliminating discriminatory concepts and what had been done to reduce female illiteracy. The representative said that the concept of complementarity and gender equality would be promoted through education and that the subsequent report would contain detailed information on the measures undertaken in that respect.

16. Experts inquired whether the gender-specific schools that had been mentioned in the report still existed both in urban and in rural areas and whether economic factors had not led to a coeducational school system. The representative explained that parents had the right to choose the form of education that they preferred for their children. There was no discrimination involved.

17. Bearing in mind the cultural diversity of the country, with some 23 different languages spoken, members asked whether the educational programmes took those cultures into account.

18. Further data were requested on the gender distribution in the various fields of study.

Article 11

19. As the country had ratified Convention 100 of the International Labour Organization (ILO), members would welcome the fact that its provisions were also implemented and requested more information on the matter.

20. Unlike women working in the formal sector, who were covered by the social security system, the majority of women worked in the informal sector and in domestic service and lacked social security coverage. It was suggested that relevant policies should be modelled on those of other countries where women

working in the informal sector were incorporated into the social security system. Regarding the law governing the supply of child-care services for enterprises with more than 30 workers, it was said that the number should not be limited to female workers in order to prevent employers from not hiring women so as not to have to comply with the obligations.

21. Members required further clarification on the reasons for the wage discrimination against women and asked whether women were mobilizing themselves in order to defend their rights under the Convention. Members also asked whether the differences in wages between women and men were equally large in the formal and the informal sectors, whether women working in the informal sector were entitled to maternity leave and pensions and could join trade unions and what programmes had been undertaken to improve the situation of women in the informal sector.

22. According to the report, fines for firing a woman for becoming pregnant were so low that employers simply paid the fine and fired the woman. It was hoped that future reports would address the situation. Members asked whether women's work in the informal sector was reflected in national economic statistics and what the working conditions of women in the garment industries were.

23. The representative said that women could organize themselves freely. The fact that there were not many groups was a result of cultural factors and showed the satisfaction that women felt with their society.

Article 12

24. Members inquired about the Government's family-planning policy and asked whether the programmes were only geared towards rural women or whether they were also directed towards women in urban areas and indigenous women.

25. The representative said that the family planning policy was given wide publicity and was open to anybody. Every small community had family planning services. Indigenous communities had equal access, but they considered the practices harmful to their traditions and habits. They also tended to object to using contraceptives because they thought that their use was a birth control method specifically targeted at them to exterminate their culture and people. The representative explained that family planning had negative effects on the population. Women had been strongly discriminated against in that all of the preventive methods had been directed only against them. Indigenous women were not given information about the effects of contraceptives on their bodies and sometimes the donation of food was linked to the use of contraceptives. Birth control lead to the breakdown of the society and the family. It also had a negative effect on youth and increased the number of single-female-headed households.

26. The representative stated that her country was composed of many ethnic groups and was characterized by a sense of solidarity, family support and understanding and that, consequently, it would be desirable if economic support for population control were directed towards education programmes, which would

improve the living standards and lead to a more balanced growth of the population.

27. As abortion was a punishable offence, members asked what the sentences were.

Article 14

28. Members expressed concern at the unequal distribution of land in rural areas and inquired about the existence of any indentured conditions under which women worked, whether rural women had access to child and health care and whether they could own land and have access to credit.

29. Members commented that in Guatemala sexist notions, such as the "natural" role of women in the context of procreation, were still being reinforced. If such sexist attitudes prevailed, they would have adverse effects on the future of girls who would choose only traditional feminine careers. Members inquired about consciousness-raising campaigns that should enhance the social and economic role of women rather than their role in the family. The representative stated that the notions of the role of women in the family should not be changed. A misunderstanding of equality would not benefit any society. It was more important to encourage the idea of the complementarity of men and women.

Article 16

30. Commenting on the minimum age for marriage, which was 14 for girls and 16 for boys, experts said that such a provision encouraged child marriages and should be abolished with a view to setting the same legal age for both partners. In her reply, the representative quoted the judgement made by the Constitutional Court according to which civil rights were acquired with the attainment of majority. Entrance into marriage required that the couple had reached majority. The different age requirements for boys and girls were based on physiological and biological factors and on the interests of society. Consequently, the difference in minimum age was not considered to be unconstitutional.

31. Regarding the concern expressed by members about the family law, which was discriminatory to women as it contained a rigid description of the roles of women and men, thus reinforcing existing stereotypes, the representative stated that the legislature sought to protect the family, as it was the foundation of the State.

32. Members expressed the opinion that the legal provision according to which the husband remained the head of the family and a woman needed the husband's permission to take up outside activities was contrary to the provisions of the Convention and extended the patriarchal system. It was a source of basic discrimination against women and, although the Constitution provided for the right to work, the "husband's law" seemed to be superior to the basic law. Likewise, the family law spoke only of the obligation of women to look after the children and take care of the household, without also mentioning the husbands.

33. In reply the representative referred to the ruling of the Constitutional Court which said that men and women had equal family responsibilities in

protecting the children. The law that gave the husband the right to represent his spouse in no way harmed the wife, especially as the role of head of the family could be assumed by the wife if the husband was unable to do so either because he had abandoned the household or if he had been sentenced to imprisonment. The administration of property was carried out by common agreement between the spouses. The representative said that the provisions according to which the husband had to provide assistance to the wife and the wife had the right and duty to care for minor children were in no way discriminatory; they were only meant to protect the wife. Neither of the two spouses could avoid their responsibilities towards their children. Women were not prohibited from taking on outside activities as long as such jobs did not prevent them from taking care of their minor children and the household and were not contrary to the purpose of marriage and the obligations inherent in maternity.

34. When members asked whether women had taken court action to claim their rights, whether any amendment of the law was planned and what the reaction of women's groups to that law was, the representative said that no claims had ever been entered to oppose the husbands as the representative of the family.

35. The representative said that it was necessary for women to educate their sons to respect gender equality and that the responsibility for educating the children was shared.

36. In reply to the comment by the members that the criminal code was equally discriminatory as it penalized women more heavily than men for committing adultery, the representative said that the Government was currently trying to amend the discriminatory provisions of the code.

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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS THIRTEENTH SESSION

Draft report

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Addendum

## III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

### Second and third periodic reports

1. Following the procedure adopted by the Committee at its ninth session 1/ for the consideration of second and subsequent periodic reports, issues and questions that should be discussed with the representatives of States parties presenting a second periodic report were identified in advance by a pre-session working group.

### New Zealand

2. The Committee considered the second periodic report of New Zealand (CEDAW/C/NZL/2 and Add.1) at its 243rd meeting, on 25 January 1994.

3. In presenting the report, the representative of New Zealand stated that the Government took its responsibility to the Committee very seriously and had endeavoured to prepare a report showing an accurate picture of the situation of New Zealand women.

4. The representative noted that her country had just celebrated the centennial of women's suffrage. New Zealand had been the first self-governing country in the world to give women the right to vote. The celebrations had involved the extensive participation of the Government and women's organizations to mark the occasion. The event provided an opportunity to assess the current position of women and to consider what was needed to be done to achieve true equality. She noted further that 1993 had been the International Year for the World's Indigenous Peoples, and said that many of the events connected with the suffrage celebrations had picked up on the theme of indigenous women.

5. Her country had withdrawn its reservation concerning the employment of women in underground mines. However, while women's employment in the armed forces had increased, the country was not yet in a position to remove its reservation concerning women in the armed forces. New Zealand also maintained its reservation on paid maternity leave. The Government regarded payment for maternity leave as a matter for negotiation between the parties to an employment contract.

6. The Government had passed a new Human Rights Act in 1993, extending the grounds of prohibited discrimination. Its grounds would now cover gender issues, including pregnancy, childbirth, sexual harassment, marital and family status, sexual orientation, disability, age, race, religion, employment status and political opinion. The Act would come into force in 1994. The country's Human Rights Commission had also been granted more funds to carry out its enhanced duties.

7. The country had been undergoing a process of economic and social reform aimed at revitalizing the economy. To reverse the imbalances created by past policies of insulation and agricultural protectionism, the economy had been extensively deregulated, agricultural subsidies had been abolished, import and foreign exchange controls relaxed, tariff barriers reduced and State assets sold or corporatized. While the reforms had brought hardships, the ultimate purpose of those measures was to enhance living standards on the basis of sustainable economic growth.

8. In response to a question on the impact of SAPs on women, the representative said that a poorly performing economy would not help women in the long term, either economically or socially, hence the need for reform. She acknowledged the pressures many New Zealanders experienced during the period of structural adjustment, but said that the positive effects were beginning to be seen. There were clear indications that the country was now on track for sustained and sustainable growth. Some of the reforms had focused on the country's welfare system, which still remained one of the most generous in the world. There had been no reduction in spending on either education or health.

9. The Committee also noted the possible adverse effects of structural adjustment on women and asked whether a study on those effects had been conducted.

10. Referring to the role of the Ministry of Women's Affairs and NGOs since the last report, the representative informed the Committee that the Ministry was regarded as a key policy agency involved in most major policy developments. She

also acknowledged the important role that NGOs had played throughout the country's history.

11. The representative noted a number of long-term trends affecting women, including changes in family structure; the increased participation of women in the workforce (women made up 43 per cent of the workforce); the greater number of women who had established their own businesses; the increased participation of women in the traditional male professions; and greater numbers of women in public life (including the appointment of the first female High Court judge, in 1993). The representative noted that women's average remuneration remained less than men's.

12. Particular concerns included the growth in single-parent households (most of which were headed by women and had less income because of their relatively lower participation rate in paid employment) and the number of ageing women. Most people over the age of 75 were women, most of whom derived a high proportion of their income from state-funded superannuation payments.

13. With respect to violence, she observed that the issue had been a public concern for a number of years and that the reduction of violence was a priority for the Government. Measures to reduce and prevent violence included the setting up of family violence prevention networks, rape crisis centres and men's non-violence support groups. New legislation had been passed that took a stronger approach to the control of pornography providing for censorship to be based on the actual or likely harm to be caused by a particular material. It removed the distinction between the public and private use of pornographic materials and imposed greater restrictions on such materials.

14. The representative stated that women's health was a key issue. She noted that cervical cancer, identified as a preventable disease, had been killing over 100 women a year. A national cervical screening programme had been established, which had a particular emphasis on the Maori and Pacific Islands women. Breast cancer was also being addressed. The improvement in health services for Maori women had also been emphasized. Attempts had been made, with some success, to encourage healthy lifestyles and to reduce the high incidence of smoking among Maori women.

15. Another positive development among Maori women had been their increased participation in the business sector. Their rate of growth in establishing their own businesses was faster than that of Maori men or any non-Maori New Zealanders, although they started from a lower baseline. Various initiatives had been launched to encourage Maori women to take a role in business and to develop further their entrepreneurial skills, including the Wahine Pakari programme and the establishment of the Maori Women's Development Fund.

16. State-funded Maori immersion education had been provided, and the Government was committed to continuing financial support for the programme.

17. The Government had set up a steering committee to prepare for the Year of the Family. It would be used as a spur to improve the parenting skills in the society and for the improvement of the care of the elderly and children.

18. In introducing the report of Niue (a self-governing State in free association with New Zealand), the representative reported that Niue had unrestricted legislative competence regarding the rights set out in the Convention. Women had made significant strides in public life as well as in male-dominated occupations. Niue was a full member of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and was seeking membership in the World Health Organization (WHO).

19. Regarding Tokelau, New Zealand's last remaining non-self-governing territory, the representative said that the constitutional changes currently being implemented would continue the process whereby Tokelau, at its own pace, would assume greater control of its own affairs, including the manner in which rights accorded to Tokelauans under the Convention would be protected.

## 1. General observations

20. Members of the Committee indicated their general satisfaction with the report, its presentation, its comprehensiveness and the information contained therein. Concern was expressed about the remaining reservations on women in the armed forces and on paid maternity leave in a country where there was such a large number of women in the workforce.

21. The view was expressed that, although it was gratifying to note that the machinery for women's affairs was well established and that it had an increased budget, information was needed on the existence of local machinery.

## 2. General questions

22. In response to a question on the extent to which there was consultation with NGOs in the preparation of the report, the representative said that NGOs were involved at all stages of the process, with involvement on the part of organizations of Maori women.

23. The Committee noted the reports of Niue and Tokelau contained in the annexes to the New Zealand report and asked if these were the only States associated with New Zealand. If they were not, the Committee asked why reports from other States had not been submitted. In response, the representative said that when New Zealand ratified the Convention in 1985, in accordance with the practice at the time, that ratification had also been extended (with their agreement) to Niue, Tokelau and the Cook Islands. The Cook Islands, like Niue, was a self-governing State in free association with New Zealand and was therefore responsible for implementing the obligations under the Convention. The Cook Islands was aware of its responsibilities, but with only limited resources it had been unable to complete its report in time for the present session and would be submitting its report as soon as possible.

24. In response to an additional question as to whether New Zealand had provided technical assistance to the Cook Islands in the preparation of its report, the representative noted that assistance had been given in the text, but

that the preparation of the report was considered by the Government of the Cook Islands to be its own responsibility.

Article 2

25. Members asked about an apparent discrepancy between the reservation on maternity leave with pay and various legislative measures to prohibit discrimination, such as the new Human Rights Act.

26. An additional question was raised about whether the Ministry of Women's Affairs and the trade unions had taken up the issue of women's rights regarding paid maternity leave. The representative explained that the Government considered that payment for maternity leave was a matter for negotiation between the parties to an employment contract and therefore not subject to government direction. However, the provisions of the Parental Leave and Employment Protection Act provided for unpaid leave for parents in both the private and the public sectors, and employees could negotiate better terms and conditions for paid maternity leave. She noted that most women in the public sector were covered for six weeks' paid leave.

27. In response to a question about the basis for complaints taken to the Human Rights Commission and how those complaints were settled, the representative informed the Committee that marital status complaints made up 17 per cent of all complaints received. The majority of those involved access to credit and joint accounts. Such matters had been settled through mediation and had resulted in compensation and the revision of the policies of the private sector institutions involved. Allegations of sex discrimination, other than in the area of marital status, constituted over 70 per cent of the complaints taken to the Human Rights Commission, the majority being in the area of employment.

28. Replying to questions about differences in rates charged to men and women for insurance policies and whether that might adversely affect certain groups of women, the representative explained that the Human Rights Act exemption in respect to superannuation of life insurance was a result of the different life expectancies of women and men. Exemptions were only permitted when they were supported by actuarial or statistical data. On the average, given the different periods of contribution and the longer life span of women, men and women received the same total benefits from the plans.

29. In an additional question, it was asked why the Human Rights Act had left out political parties, private clubs and churches.

Article 4

30. Answering a question about whether the centennial celebrations of women's suffrage and the related activities (including those financed by the Suffrage Centennial Year Trust Fund) had been evaluated, the representative observed that it was too early to evaluate the results of the Suffrage Centennial. A range of activities had been undertaken by the Government in collaboration with NGOs that included educational and research activities, international conferences, projects, television documentaries, films and books about women in the country, in addition to radio broadcasts and short snippets about women's lives, their

achievements and history. Funds had been distributed to hundreds of projects throughout the country. The theme of the Centennial has been "celebrating the past and challenging the future". It had provided an opportunity to assess the situation of women and to identify the next steps.

31. Replying to a question about the financial support provided to supplement training and the Wahine Pakari programme, the representative explained that financial support had increased eightfold over the last two years. She noted that upon completion of the six-week training course for training motivators, the graduates trained other women in their own communities and were paid to do so. There were other funding sources available from the Government.

32. In response to a question on whether women's studies courses were well attended and available at academic institutions, the representative said that women's studies programmes were offered by some secondary schools, most universities and polytechnical institutions and they were usually fully subscribed.

Article 5

33. In answering a question regarding the effectiveness of the "counter-sexist" teaching materials and the running of "counter-sexist" training courses, the representative affirmed the Government's commitment to gender-inclusiveness in all aspects of education policy and development and its goal of ensuring equality in educational opportunity by identifying and removing barriers to achievement. The Ministry of Education had developed strategies, including non-stereotypical role models and non-sexist language, but there had been no substantial long-term monitoring of the effectiveness of either the resources or the training courses. The material had been in use for nearly 20 years and had been greatly expanded and improved.

34. Replying to a question about whether, in family education, prenatal and postnatal education had been extended nationwide, particularly to Maori women, the representative stated that a number of organizations, including Crown Health Enterprises, general practitioners, practical nurses and others, provided such education. There was some evidence that mainstream services were not well used by Maori women (who had a different profile from their non-Maori counterparts). That had led health-care authorities, Government departments and Maori women's groups to explore different ways of meeting the particular needs of Maori women. Examples of such initiatives included the Tipu Ora programme, which supported Maori women during pregnancy (and had resulted in a reduction in smoking, promotion of breast-feeding and a significant reduction in Maori infant cot deaths), the establishment of Whare Paruora health clinics, Government-funded research into new models for the delivery of prenatal and postnatal care to Maori families and Government funding for iwi (tribal) based health programmes.

35. Regarding a question about the response from women's groups to the enactment of the Films, Videos and Publications Classification Act in 1993, the representative explained that women's groups had been active in bringing about the changes in censorship legislation. The act, which would come into effect after the three existing censorship bodies were combined into a single office, would place greater restrictions on the availability of violent and pornographic

material, introduce new controls on the displaying of the material and set penalties for the possession of banned materials. The representative said that some women's organizations had wished for the legislation to be more restrictive, but that all would agree that the changes represented a significant and positive shift in censorship policy.

36. Replying to a question about whether the cause of the increase in the number of abused women seeking protection in shelters had been investigated in the light of the preventive measures adopted by the Government, the representative indicated that that fact did not necessarily reflect an increase in violence, but rather an increased awareness of the availability of sources of support for victims. Measures included an active arrest policy with respect to domestic violence, where all cases were treated in the same manner as assault attacks between strangers, in order that arrests could be made without the victim having to press charges. The representative referred to research that had suggested that strategies for the reduction of family violence needed to address such issues as power and control, parenting and child-rearing practices, and social structural factors.

37. In reply to an additional question on whether there was specific legislation on violence against women as opposed to random violence, the representative indicated that there was such legislation did exist.

38. In an additional question, it was asked whether the attitudes of men towards sharing domestic work had changed. In reply, the representative noted that men had to change their attitudes further.

Article 6

39. The representative informed the Committee about the response of the general public and women's groups to the increase in the spread of HIV. She observed that there was evidence that sex workers in New Zealand were relatively free of HIV/AIDS. The number of women infected with AIDS was as low as 17 out of the 48 HIV cases that were diagnosed in June 1993. The widespread use of condoms, predating the appearance of HIV/AIDS, was indicated as the factor contributing to the low incidence among sex workers. In addition, the representative indicated that women's groups had been concerned about the risks of late diagnosis of women infected with HIV/AIDS and had identified the need for information programmes that specifically addressed the issues of pregnancy and breast-feeding. Funds had been made available by the Government for education and sexual health programmes.

Article 7

40. In response to a question regarding the decreasing number of women in high executive positions, contrasted with the increase in the number of women in local government, the representative brought to the attention of the Committee figures that showed an increase in the number of women in Parliament since 1984. She noted that women had occupied various positions in the Cabinet since 1947. Women in New Zealand would be curious to see if the new electoral system based on proportional representation, voted on in 1993, would lead to further increases in representation. Women had always been more successful in local

government. There were no definitive studies on why women were more successful at local levels. The theories that had been put forward claimed that women were attracted to local politics since they could combine official duties with their responsibilities at home.

41. In an additional question, further information was requested on obstacles to women obtaining high-level posts in politics.

Article 10

42. Replying to a question about whether the closure of schools in rural areas, with a resulting inconvenience to rural families, coupled with the reduction of the education budget, had adversely affected poor people and those living in rural areas, the representative stated that, on the contrary, the expenditures on education had increased substantially during the past three years. It was pointed out that a rural school closed only when the school roll fell below 10 students, that the Government provided transportation assistance from home to school, that no fees were charged for pre-tertiary schoolchildren receiving education by correspondence and that the Government supported rural studies through a range of other initiatives.

43. In response to a question about the declining number of Maori and Pacific Island girls entering higher education, as indicated in the report, the representative stated that there had been no such decline. The text of the report referred to the differing proportions of Maori and non-Maori females entering tertiary education directly from school. Maori students took a break and worked before they entered tertiary education. Between 1986 and 1991, the total number of Maori university students had more than doubled and more than half were women. The Government was pursuing strategies to improve the participation rates and attainment levels at all levels of education.

44. A number of members referred to an NGO report, which highlighted the problem of fee increases for tertiary institutions and their implications for women, and asked whether the relevant authorities were aware of those problems. In response, the representative stated that the Government had been committed to increasing the availability of tertiary education in a fiscally responsible way. Loans were available to students to cover fees and their living expenses, and they were not required to repay the loan until they were in the paid workforce. More women, at a more mature age, were entering tertiary education than in the past, their number doubling between 1988 and 1993. Women were moving towards equality in enrolment in science, and a comparable number of women and men were enrolled in veterinary science, medicine and dental surgery. There was an increased percentage of women graduates in medicine, natural sciences and engineering.

Article 11

45. In clarifying the reasons for the differences observed in unemployment rates among the female population in the different ethnic groups, the representative explained that the figures for unemployment in the female labour force in 1993 (21.4 per cent for Maori females, 19.8 per cent for Pacific Island females and 6.1 per cent for European females) represented a drop in the

unemployment rates of the two first groups from 29.2 per cent and 25.6 per cent, respectively, in 1991. There was no single reason for the different rates of unemployment among ethnic groups. Contributing factors included the restructuring of the economy (which had led to a reduction in the number of unskilled jobs, a shift away from the manufacturing sector, and a lack of employment opportunities in regions where Maori and Pacific Islands women were more concentrated), and lower levels of retention and attainment rates for Maori and Pacific Islands girls in the education system. Education and training were vital for Maori and Pacific Islands women, and the Government had a commitment to assist disadvantaged job seekers and to develop measures for people who had not received formal institutional education. In reply to an additional question on whether changes in the industrial environment had reduced the bargaining power of trade unions, with a resultant adverse effect on women, the representative stated that current legislation continued the move from occupation-based to industry-based bargaining. The current legislation did not replace collective bargaining, but rather provided options for contract forms. The current law extended personal grievance provisions to all workers and now included sexual harassment as a basis for complaint.

46. In answering an additional question about the principle of equal pay for work of equal value, the representative indicated that a kit had been produced on gender-neutral job evaluation for use by large organizations.

47. It was asked whether the unemployment rate had led to an amendment in unemployment benefits and whether the six-month waiting period was still in force.

48. There was an additional question as to why women were employed primarily in part-time jobs. Further explanations were requested.

Article 12

49. In providing additional information on the impact of the decentralization and restructuring of the health-care system and the effects of the changes on health care, the representative said that 80 per cent of total health expenditure was publicly funded and that the funding levels had been maintained during the economic recession. She added that the mechanisms for services had been restructured to improve access and effectiveness, while costs were contained. Area health boards had been replaced by four regional health authorities, which acted as purchasers of services for their population. As well, a core national health advisory committee had been established to advise the Government on the services to be funded. The medium-term objectives for health services included improving the access of New Zealanders to health and disability services, improving the quality, effectiveness and efficiency of the services, as well as providing assistance to the poor. Under the restructured health system, women's access to services should be maintained and in some cases improved, particularly access for Maori women. Consumer choice and protection would be enhanced.

Article 14

50. A question was asked why the pilot project on mammography had been restricted to an older age group.

51. Questioning the practice of the eldest son as the first choice for the inheritance of a family farm, the representative said that it was not a legal position but was a practice in family farming. It was based on the perception that agriculture was a male occupation; increasingly, however, more women were farm managers in their own right, owners or full partners with their husbands.

## Notes

1/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38), paras. 28-31.

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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN AT ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

## III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

### Ecuador

1. The Committee considered the second and third periodic reports of Ecuador (CEDAW/C/13/Add.31 and CEDAW/C/ECU/3) at its 244th meeting, on 25 January 1994.

2. In her introductory statement, the representative of Ecuador said that discrimination against women was deeply rooted in the socio-economic problems of her country, which had been facing a most serious recession in the last 10 years. She explained that the second periodic report was of a more descriptive nature, whereas the third periodic report contained the drafts of legal amendments.

3. Having Confronted a serious recession since 1980, the Government had taken macroeconomic adjustment measures which had had an unfortunate impact on the weaker members of society, in particular on women and children. A growing decrease in GDP per capita and in the volume of imports together with an increase in external debts, had brought with it a drastic reduction in social security spending. The budget of the Ministry for Social Welfare had been cut

by 47 per cent. She explained that only 26 per cent of the population had access to social security, 76 per cent of women through formal employment and 9 per cent of women through informal employment, and that indigenous women had no access to social security at all. The representative explained that according to a United Nations Children's Fund (UNICEF) survey, 66 per cent of families lived below the poverty line. While higher and middle class income levels had increased 50 per cent, the income of the overall population had decreased constantly. Social movements were losing strength and momentum. Unemployment was reported to have reached 12 per cent; of the economically active population, under-employment had reached 56 per cent; 48 per cent worked in the informal sector.

4. In 1988, the "Social Front" was established, combining the ministries of Social Welfare, Labour, Health and Education, and presided over by the Ministry of Social Welfare. Its goal was to eliminate the recurrent problems of bureaucracy and to avoid the duplication of programmes. The National Committee for Planning and Social Development took office in 1989. The representative also reported on the Fund for Social Investment which directed funds to rural development, youth and women.

5. The representative reported on the critical living conditions of children in her country. In many families, children contributed 19 per cent of an average household income. Some children, aged 8 to 11 years were working 40 hours a week. School attendance suffered as a consequence, with only 30 per cent of children finishing elementary school. To combat the high rate of illiteracy, the previous Government had launched a campaign entitled "Ecuador estudia", which had decreased the illiteracy rate considerably.

6. Although no exact data existed on the incidence of disability, numbers were expected to be very high, with an estimated 18 per cent of the population with disability problems and frequently living in substandard conditions. However, there existed no specific projects for women with disabilities. Malnutrition was one major cause of disability, as was the lack of adequate health care, in particular prenatal, delivery and postnatal care, as well as the lack of immunization programmes for women and children. In 1982, a law had been adopted concerning disability. A national programme for the disabled had been launched which included tax exemptions as well as large-scale public campaigns to provide facilities for disabled people in urban structures. The Government had set up eight rehabilitation centres which were concentrated in the cities.

7. Concerning the situation of rural women, the representative reported on the existing gap between urban and rural areas. Many development programmes focused on the cities, while the rural areas were abandoned and neglected. With the migration of the male population from rural to urban areas, women and children who were left behind took over the agricultural activities. The Ministry for Agriculture and Livestock carried out projects on appropriate agricultural technology for women.

8. The representative described the environmental sanitation situation both in urban and rural areas, which was very poor; there was a lack of safe drinking water. As a consequence, infant mortality was one of the highest in Latin

America. Half of the children below five years of age suffered from malnutrition.

9. Concerning legal reform, the representative indicated that considerable legislation aimed at enhancing women's status had been introduced but some measures had faced opposition in the Congress. Congress had given serious consideration to the discussion of the draft amendment of the Code of Criminal Procedure. A draft of the first Code of Family Law was submitted to the Congress in January 1994 by the Parliamentary Committee for Women, Children and the Family. Following the ratification of the Convention on the Rights of the Child in 1992, a new Code for Minors had been elaborated.

## 1. General observations

10. Members of the Committee thanked the representative of Ecuador for providing a frank report committed to the advancement of women and expressed their concern about the alarming living conditions of the majority of women. They noted that the economic situation and the structural adjustment measures had affecting her country more than others. Women and small children were the major victims. While recognizing the progress made in legal reform and in socio-economic programmes, in particular in combating illiteracy in the female population and in the elimination of stereotypes in education, members were concerned about the number of remaining obstacles to equality. While Ecuador had already given women the right to vote in 1924, and was in fact one of the first countries in the region to do so, women still faced discrimination in 1994.

11. Members of the Committee noted the need for the Government to define modern, up-to-date criteria for development and to improve what was deemed to be a kind of medieval situation for women, which was the result of a patriarchal structure in which women were denied basic rights. Before enjoying legal rights, women needed to be given basic human rights, such as safe drinking water and better nutrition. Half of the population of the country could not participate with pride in the life of the country. Members emphasized that despite the economic problems, many programmes related to women's equality could be carried out with few resources.

12. The Committee expressed the feeling that the prevailing attitude in Ecuador was that the Government was not giving serious consideration to the advancement of women. There was a de jure and de facto gap in the attainment of women's equality. Moreover, members asked whether the women in Ecuador themselves wanted to change their current situation. If such was not the case, women's consciousness about their situation and their rights needed to be raised. Solidarity among all women was a prerequisite for leading a successful struggle for women's equal rights.

## 2. General questions

13. In reply to a question on the National Institute for Women, the representative said that the institute had not yet been established. The

National Directorate for Women was still part of the Ministry of Public Health, Education, Social Welfare and Agriculture. There was strong opposition to the setting up of an independent national machinery for the advancement of women, in order not to weaken the Ministry. The representative informed the Committee about a hot line pilot project for women that had been warmly welcomed by women in Ecuador. Many women called and reported on cases of sexual abuse and violence. Although there was no political support from the National Directorate for Women, this project, which could only function with outside assistance, was very successful.

14. Regarding the National Development Plan for 1988-1992, which devoted a whole chapter to women, there had been no assessment of its implementation. No statistical data and consequent evaluation had been provided.

15. Asked whether more information could be given on the areas of competence and the activities of the Parliamentary Committee for Women, Children and the Family, the representative stated that this Committee, which was not permanent, had introduced all of the legal amendments that had received support from the Government, in particular, the Code of Family Law, since no definition of the family had existed prior to the introduction of the Code.

## 3. Questions relating to specific articles

### Article 2

16. With reference to the status of approved legislative changes and draft laws, the representative replied that there had indeed been more proposals for legal changes than reforms accomplished. The delay in promulgating the laws could be attributed to the mandatory respect for the agenda of the Congress, where discussions in recent years had focused on political and economic issues.

17. She mentioned the legal reforms contained in the reform of the Civil Code, which had been put into force within law 43 in 1989. These reforms contained important improvements: recognition of the juridical equality of women and men in marriage; administration of joint estates; responsible and joint parenthood of the spouses; marital obligations and the termination of marriage. The changes in the articles related to marriage had encountered considerable resistance, including opposition from women.

18. The representative reported on a number of other legal amendments, including the introduction of the Code of Family Law. Another proposal was for the establishment of family judges and of accelerated oral and summary proceedings. The Electoral Law was still under debate, since no agreement could be reached on the suggested quota of 25 per cent of women to be included on the electoral lists of political parties. This amendment was contested in the sense that it contradicted democratic procedures. Further resistance was expressed to the idea that 10 per cent of State funds allotted to political parties should be used for the political training of women. The law on complimentary nutrition was meant to give rights to abandoned women who could not provide for their children without their husband's support. According to the proposed law, fathers who did not pay support for their children for two months would be

imprisoned for eight months. This law, which was not included in the Code of Family Law was rejected. The law on the reform of the Code of Civil Procedure dealing with the special retirement benefits for women passed, but owing to the lack of liquidity in the social security fund, payments were not assured. A draft law on giving special retirement benefits to women who had been in formal employment for 25 years and were mothers of five children was not passed. A law on the registration of a child born out of wedlock under its father's name was unanimously rejected. This reform would have given legal recognition to children born out of wedlock without entitling them to support by the father or inheritance rights. It would have devolved upon the father to prove that he was not the father. Public reaction to this proposal had been fierce; women were accused of being prostitutes searching for fathers for their illegal children. Another draft law in favour of an obligatory yearly examination for uterine cervical cancer, to be undertaken by the employers, was rejected because of the costs involved.

19. According to another draft legal provision concerning domestic violence, the representative stated that under its provisions women would be enabled to take legal action against their relatives. In criminal law, the provision that women be more severely treated than men for the offence of adultery was abolished, although adultery remained a cause for divorce in the civil code. If a spouse was found in flagrante delicto, no charges were brought against a person inflicting harm on the spouse.

20. In an additional comment, the Committee questioned the importance attached to the father's name, which had nothing to do with paternity.

21. Members reminded the representative that in ratifying the Convention without reservation Ecuador had made a commitment to make its national laws comply with the Convention. Parliament and Congress had the responsibility for achieving compliance and were obliged to implement the Convention. The Convention on the Elimination of All Forms of Discrimination against Women should not be considered as a second class convention requiring less persistence. Members expressed their concern that a third periodic report of a State party still contained only drafts of legislative reforms.

22. The representative was asked to transmit the concerns of the Committee to the Government, which was responsible for protecting the rights of all women in the country. Members expressed the hope that the country would immediately conduct a systematic review of national law and make it conform to the Convention. The Committee said that it might ask for a specific report on legislative changes, which should be presented at a set time. The Committee expressed its full support for the endeavours undertaken to introduce legal amendments. If the country required advisory services and technical assistance for this purpose as others had done before and as suggested in the plan of activities of the Centre for Human Rights for the implementation of the Vienna Declaration and Programme of Action, the Committee would seriously consider that request.

Article 4

23. The representative regretted to report that no laws or measures "of positive discrimination in favour of women" had been taken by the State aside from the one mentioned on the protection of pregnant female workers.

24. In additional comments, members expressed concern that the Constitution of the country did not allow temporary specific measures as provided in the Convention.

Article 5

25. In reply to a question on the success of programmes aimed at promoting change of attitudes of men and women, the representative referred to Ecuadorian law, which was based on Roman law and gave the patria potestad the leading role in law and in reality. Discrimination against and subordination of women formed part of the patriarchy, which rested on the principle of a division of labour. Greater awareness of stereotyped gender roles and cultural obstacles to the elimination of discrimination against women was needed. As long as stereotyped roles persisted in education and mothers encouraged their sons to adopt macho attitudes whereas girls were brought up to be docile and obedient, no change was imminent.

26. In additional comments, the Committee noted the prevailing attitude of machismo in the country, which affected women in all walks of life and expressed itself also in violence against women, which was largely accepted. Members emphasized that attitudes and behaviour could be changed if there was political will and broad support. It was hoped that the subsequent report would contain information on this issue.

Article 6

27. In reply to a question related to the problems of prostitutes and whether the interest of the National Directorate for Women and its social rehabilitation programmes had resulted in any specific measures or studies, the representative replied that two associations of prostitutes had been formed which called themselves "associations of free working women". Their first congress had taken place in November 1993 and had brought together women of all ages and from different regions of the country in an atmosphere of solidarity. The representative pointed out that prostitution in Ecuador was not an offence. Owing to double standards, prostitution in a brothel was allowed, but not prostitution in the streets.

28. Concerning the HIV/AIDS pandemic, she stated that prostitutes were regularly screened for infection. Prostitutes that had contracted the HIV/AIDS virus were badly treated by the authorities and there had been many negative articles in the media on street prostitutes that were discovered to be HIV-positive.

29. In additional comments, experts noted that prostitutes with HIV/AIDS infection were the first patients to require compulsory medical care, regardless of how and where they had been infected.

Article 7

30. Asked whether there had been any law or measure designed to increase the number of women in the Parliament and in the Executive branch, the representative replied that no such measure had been taken. No political party had encouraged female participation through a quota system or by any other means.

31. However, a number of women had been assigned to high-level positions. The president of the Monetary Association and the Minister of Education were women. There were three women secretaries of state and five women deputies in Parliament.

32. In an additional comment, the Committee noted that the example of Ecuador showed how important it was to have more women at the decision-making level to achieve qualitative and quantitative change. Resistance in the Government to legal reform had increased because there had been little support for the reform within the legislative bodies. Endorsement of the legal reform process also had to come from the highest executive level.

Article 10

33. Concerning the illiteracy rate, the representative stated that the figures were still high although a governmental literacy campaign, carried out 4 to 5 years ago, had been very successful and had decreased female illiteracy from 60 per cent to 38 per cent. This campaign had been undertaken with the direct collaboration of secondary educational establishments in particular, as well as the National Directorate for Women. No measures had been taken to reduce the school drop-out rate for girls, particularly in the rural areas. With regard to modifying the sexist content of curricula and textbooks, the representative reported that this reform was being carried out. A teacher training programme also existed along these lines. No statistics broken down by sex were available on the receipt by women of educational awards on their integration in the ranks of administration in higher education. One positive development, however, was that a women had recently been appointed Minister of Education.

Article 11

34. The representative informed the Committee that men and women had equality of access to all occupational training programmes. Asked whether women had recourse to the courts or any other tribunal when they suffered discrimination in their work, the representative replied that very few cases of discrimination were taken to court. Male and female workers could have recourse to the courts, but there were no legal provisions on discrimination.

35. The legal minimum age to enter the labour market was 12 years; no distinction was made between girls and boys. The labour law prevented the exploitation of minors. The Code of Minors did not allow children to work in jobs that deprived them of their normal development. In general however, child labour was not prohibited and hundreds of children could be seen working in the street and thus contributing to family income.

Article 12

36. On the question of whether measures had been developed that would improve the situation of rural women in particular, the representative replied that only the Ministry of Agriculture was managing a project for women in rural areas, which unfortunately could not be implemented because of flooding. There were no projects to improve the rural hygiene situation, which was very bad. In particular, access to safe drinking water was unavailable in many areas.

Article 14

37. The representative was asked about the participation of women in the preparation and implementation of development plans generally, and particularly in agriculture. In general, women in Ecuador took part in the elaboration of development programmes and policies, but their presence in public life was still very small and insignificant. However, women did not really shape the future of the country and their contributions were not always recognized by the changing Governments.

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Addendum

## III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

### Barbados

1. The Committee considered the combined second and third periodic reports of Barbados (CEDAW/C/BAR/2-3) at its 245th meeting on 26 January 1994.

2. In introducing the report, the representative of the Government noted that the country had suffered from the global economic crisis, which had led to a decline in the gross domestic product and to the introduction of stabilization and structural adjustment measures that were beginning to have an effect. The measures had not been painless and women had been disproportionately affected by them, including through an increased unemployment rate which was higher than that for men.

3. Educational opportunities were now largely equal and girls were generally more successful than boys. There had also been significant improvement in law reform, particularly in the area of family legislation, including domestic violence and sexual offences. The national machinery, the Bureau of Women's Affairs, had been supported by the reinstitution of the National Advisory Council on Women and a project to strengthen the Bureau further had been approved by the Inter-American Development Bank (IDB).

## 1. General observations

4. In response to a question about the reaction of the public in general, and especially men, to the economic and social progress achieved by women, the representative stated that the general public appeared comfortable with the changes, although some men and some women traditionalists had experienced difficulty in accepting changes. A variety of strategies had been pursued to raise the level of consciousness of men and women regarding changes, including use of the mass media, community organizations and the normative effect of judicial decisions. The evidence from divorce statistics, which were declining, suggested that there was increasing, rather than decreasing, harmony.

5. An additional question asked whether there had been a negative reaction by men, to which the representative replied that some negative reaction had been expected, but an effort had been made to have those reactions expressed in various forums. It was noted that Barbadian society was affected by a number of influences, including an African heritage, United Kingdom colonial rule and proximity to the United States through transnational media. One example of change was the rapid introduction of coeducation, which had provoked a reaction among some men who preferred single-sex schools.

6. Replying to a question on consultation with NGOs in the preparation of the report and publicity given the Convention and the reports, the representative referred to the extensive use of media programmes on gender issues in which references to the Convention had been frequent.

7. In response to a request for further details on consultation with NGOs, to which the representative replied that women's organizations and other NGOs were all invited by the Bureau of Women's Affairs to provide input to the report in their areas of competence, and that input formed the basis of the report. In addition the media were involved in advertising the report, which was circulated in the media, and its content discussed publicly. Its content was also included in the gender training programme for the leadership of the women's organizations.

## 2. Questions related to specific articles

### Article 2

8. Responding to a question on the extent to which the Constitution had been amended as a result of ratification of the Convention to ensure a constitutional provision for equality and the steps being taken to eliminate elements of discrimination, the representative noted that under the country's judicial system, treaties had to be implemented through enactment of municipal legislation. That was why an effort had been made at law reform, which had removed most legal obstacles to equality, and 10 major amended statutes were cited. The Constitution itself provided for equal treatment of all citizens without discrimination. Legislation was still required in the area of violence, sexual offences, citizenship and disparities among public officers.

9. A question posed on the implementation of the programme of women in the 1988-1989 development plan, to which the representative replied that the plan envisaged a national policy on women, including greater participation in decision-making, health and employment, work on areas requiring further legislative changes, training and technical assistance through the Women's Bureau, programmes to facilitate inter-agency cooperation and studies. A new plan covering the period 1993-2000 had been prepared, emphasizing strengthening of the Women's Bureau, women's organizations and other policy-making agencies.

Article 5

10. In response to a series of questions about actions to deal with domestic violence, including, in particular, the Domestic Violence Protection Orders Act of 1992, the representative noted that the legislation was based on protection orders and covered both legal and de facto unions. The Sexual Offences Act of 1992 updated legislation dealing with rape and other sexual offences. The interpretation and decisions of the Courts had clearly indicated that the legislation should protect against violence. A media programme for public education and other measures, including training for police and counselling for families affected by violence were to be implemented.

11. An additional question related to whether the inclusion of women in the national plan had had any effect in reducing stereotypes. The representative replied that activities included obtaining data for reports to CEDAW and the Organization of American States, as well as research on the impact of SAPs on women, especially on single-headed households. Gender training and women's studies were part of the university curriculum and school texts had been reviewed to eliminate gender bias.

Article 6

12. Referring to questions posed during the consideration of the initial report, the question was asked whether the Government had taken measures to curb prostitution as a major vector in the spread of HIV/AIDS and whether programmes had been established to rehabilitate prostitutes. The representative replied that trafficking in women was illegal and covered by the Sexual Offences Act. There was also an effort to curb prostitution to deal with HIV/AIDS through public education, mass media and training of medical personnel.

13. Additional questions were asked as to whether prostitution was related to the tourism industry and whether it was increasing or decreasing. In reply, the representative stated that prostitution was not an organized phenomenon and was rather a form of self-employment and for that reason was hard to quantify. There was no evidence that it was linked to the tourism industry as was the case in some countries.

Article 7

14. A question was posed regarding the limited number of women in decision-making positions, especially given the fact that in several age groups women outnumbered men. The representative stated that there were no legal barriers to women's participation, women participated actively in campaigning and voting and

there were a number of women in high positions, including the post of Governor-General. However, in the most recent election, only one woman had been elected to the House of Assembly, although six currently served in the Senate, where members were appointed.

15. In response to additional questions on government measures to encourage women's participation, it was stated that there was a contradiction between the number of women's candidacies and the electorate, which had a female voting majority. All candidates received the same kind of government support. The IDB project would provide for workshops to do consciousness-raising in all sectors and levels of the Government and the private sector.

16. Replying to a question as to whether the policy of having equal numbers of men and women on several boards would be applied to other boards, the representative stated that women were still a minority on most boards and, although there had been some improvement, it was not as significant as might be hoped. There was no quota system in place and the composition of boards was related to technical knowledge, although the government policy now placed emphasis on equity. The Women's Bureau was preparing a directory of resource persons in specific fields which it hoped would be used to help to equalize the situation.

17. On a question relating to the relationships between women's organizations affiliated with the Women's Bureau and the Bureau itself, it was stated that the Bureau was the national machinery for women and had a mandate to involve all women's organizations. The representative noted that many social development initiatives came from women's organizations, which were recognized by the Government and some of which received subventions.

Article 8

18. In response to a question on the measures being taken to enhance the representation of women in international organizations and at the international level, the representative stated that there had been some improvement and that Barbadian women had been active in a number of international forums. The appointment of women to senior civil service positions meant that there would be greater representation by women at international conferences and other activities.

Article 9

19. In reply to a question on action taken to amend the law on citizenship to permit spouses of Barbadian women to obtain citizenship, the representative stated that the law was already being addressed and that it would also deal with the transmission of citizenship by a married woman to her child.

Article 10

20. A question was asked about whether the Government intended to implement a policy to ensure women equal access to vocational training in areas where men predominated and to encourage girls to enter non-traditional professions. In reply, the representative stated that vocational training and instruction were

equally available to women and men and that guidance counsellors were seeking to encourage girls to enter non-traditional fields. That was reflected in the fact that more women were entering those fields in the labour force.

21. In reply to a question on the social science subjects included in the curricula of schools, the training of teaching staff and the participation of women in pedagogical and research activities, the representative stated that social science subjects were included in the curricula at all levels and that the majority of participants in teacher training were women.

22. Responding to a question on whether the subject of human rights had been introduced into the curriculum and at what levels, the representative stated that human rights was a component of the family life education syllabus and was offered as a separate subject at the university level.

23. An additional question was posed on the educational measures taken to encourage non-traditional education. The representative noted the work of women in development units within the Women's Bureau in the development of gender training, which had had a significant impact; boys were also picking up that training. There had also been a six-month radio call-in programme for public education on violence against women and there had also been similar discussions on means and measures taken by the Government on SAPs with a view to providing retraining programmes to develop women's productive skills and enable them to participate in income-generating activities.

Article 11

24. The question was raised of whether there was a guaranteed minimum wage and an unemployment allowance necessary to ensure maintenance of a family's living standard, and of how the provisions of the ILO Conventions on equal pay for work of equal value were being implemented and monitored. The representative stated that the principle of equal pay had been implemented, there were guaranteed minimum wages for shop assistants and domestic employees and unemployment benefits were available.

25. Additional questions were asked on the measures taken to implement the ILO Conventions by legislation and whether there had been any equal pay cases filed. In reply, the representative noted that implementation required specific legislation, some of which had been adopted but that details would be provided in the next report.

26. Responding to a question as to why more women were jobless than men and measures taken to address that phenomenon, the representative stated that it was a result of the changing world economic environment and SAPs, which had affected areas where women predominated. The Government had taken a number of steps to address the situation, including retraining and measures to stimulate economic productivity in both export and local areas.

27. Questions were asked about participation of women in trade unions, especially in terms of women's membership and participation at decision-making levels. In reply, the representative stated that no restrictions were placed on women's participation in trade unions, and women were involved as members and in

decision-making on an increasing basis. For example, some unions, like teachers' unions, had 50-50 representation at the highest level. Public workers' unions were seeing an increase in women at management levels through their efforts to raise the confidence of women to participate at decision-making levels.

28. In reply to a question on the social allowances and benefits enjoyed by working women, including child care, organized relaxation and assistance in building a home and in daily domestic services, the representative replied that benefits were available under the national insurance scheme, workers' compensation, severance payments and free medical services in polyclinics. Day care was also available, public workers could benefit from a housing loan scheme and there were other programmes available to assist in home purchases or construction.

Article 12

29. In response to a question on whether health-care bodies had improved their effectiveness in diagnosing and treating cancer since the last report, the representative stated that there were a number of efforts at early detection and treatment under the leadership of an NGO, the Barbados Cancer Society, as well as educational and promotional programmes. As a result, the impact of breast and cervical cancers had decreased. The programmes were projected for expansion into hospice care.

Article 13

30. The question was asked whether informal organizations that had begun accepting women members brought them to decision-making levels and whether they were able to participate in all of the social activities of the Bridgetown Club. The representative stated that the main service organizations had amalgamated their men's and women's branches and women served in the leadership of the clubs. Women now participated in membership and other activities of the Bridgetown Club.

Article 16

31. In reply to questions about the number of divorces, the trends in single-parent families, the nature of the family as set out in the law and limits to the free choice by women of a spouse, the representative pointed out that no specific studies had been done on fluctuations in divorce rates but that the incidence of divorce had decreased between 1989 and 1992 and more women than men were filing for divorce. The concept of family was embodied in all family legislation, affirming that it was the basic unit of society and providing for counselling prior to any divorce proceedings and procedures for equitable maintenance, custody of children and equitable distribution of marital assets. Those provisions were also applied to parties in de facto unions. There were no limits to the rights of women in the free choice of a spouse.

32. An additional question asked whether, given the possibility of the same person having a de facto in addition to a legal marriage, that constituted a form of polygamy. In reply, the representative stated that, once a person was

married, that took precedence over any other relationship and a person could only be legally married to one person. However, protection was accorded to the children of another union.

33. Another question again raised the issue of the rate of divorce, asking reasons for changes and asking whether procedures for reconciliation achieved the desired goal. In reply, it was noted that there was no evidence on the question but that it merited further study.

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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Senegal

1. The Committee considered the second periodic report of Senegal (CEDAW/C/SEN/2 and Amend.1) at its 247th meeting, on 27 January 1994 (CEDAW/C/SR.247).

2. In introducing the report, the representative of the Government of Senegal noted that the socio-economic situation of the country had remained influenced by the unfavourable exchange rate for national products, external debt, climatic conditions, structural adjustment measures, high inflation and other negative factors affecting the country.

3. He emphasized that the status of women in his country had evolved since the colonial period. He stated that the colonial aim had been to concentrate on women in their reproductive role. They had no access to education, and there was no intention of abolishing traditional practices.

4. The representative noted that since independence and following the adoption of appropriate legislation, efforts had been made to raise awareness among the population regarding improvements in the areas of health and education. He also

emphasized the issues related to women's role in the family, development, food, self-sufficiency and work in the informal sector.

5. The representative also informed the Committee that recently there had been significant progress in women's education and that the enrolment of women in schools was on the rise, including in higher education. Employment among women had also increased, with most women working in the agricultural sector, while the remainder worked largely in fisheries. However, access to credit remained a problem, though efforts were being made to redress it.

6. Regarding the inclusion of women in the labour force, the representative stated that women represented 8 per cent of all workers in the private sector and 15 per cent in the public sector. In the private sector, women are paid by piece-work, while men were paid by the hour, thus manifesting serious inequalities.

7. In respect to female circumcision, the representative stated that some 20 per cent of the population still practised genital excision without anaesthesia or psychological counselling, leading to severe health problems among women, including haemorrhage. He noted that the authorities did not approve of this practice, but it was not prohibited under the country's Penal Code.

8. Regarding prostitution, the representative indicated that although prostitution was not illegal, it had been pointed out as the source of the transmittal of sexual diseases. He indicated that prostitutes were required by the Health Ministry to be registered, and failure to do so resulted in penal measures such as imprisonment. He also said that HIV/AIDS was linked to prostitution, with 30 per cent of all cases of HIV/AIDS being women.

9. The representative indicated that violence against women remained a problem although the Penal Code provided for legal redress. Rape was also frequent in spite of the severe penalties, and sexual harassment, which was sometimes confused with men's advances towards women, was an issue not dealt with under the Code.

10. With respect to family planning, the representative observed that the rising demographic trend (2.8 per cent yearly) and high maternal mortality had led the authorities to start a policy for the establishment of family planning centres, which had multiplied since 1970, partly with the assistance of the United Nations Population Fund (UNFPA). Awareness of contraceptive methods had increased (89.8 per cent for all methods), but their use remained low owing to cultural traditions. On the other hand, abortion was a crime as well as taboo. Finally, he observed that social benefits included medical care, maternal assistance and full pay during maternity leave.

11. In respect of the political participation of women, the representative noted that the place women occupied in the political arena was very restricted. Only three women had become members of the Government, while in Parliament, out of 120 members, only 15 were women. There was only one female Mayor, and no women headed any political party, not even the Socialist Party, where women represented 600,000 out of the 800,000 members.

12. Regarding the legislative measures taken by the Government, the representative stated that obsolete measures in the family law that granted certain powers to the husband, such as in the legal domicile and the right to oppose the practice of a professional activity, had been revoked.

13. The representative observed that the Ministry of Justice, in collaboration with all relevant ministries, was responsible for the preparation of the periodic report on the implementation of the international instruments. The report to the Committee on the Elimination of Discrimination against Women (CEDAW) had been prepared in consultation with non-governmental organizations, which offered their comments and suggestions. These organizations had also contributed to the distribution of the present report.

## 1. General observations

14. The Committee noted the political will of the Government to change the status of women, but also that there was still discrimination against women and that their potential contribution was not fully acknowledged. It was felt that the report should have addressed the actual situation of women to determine their progress, and it was suggested that the next report should provide information on rural women, prostitution and disabled women, and should include more statistical data on the de jure and de facto situations.

## 2. General questions

15. In response to the comments made by members of the Committee with respect to statistics, female circumcision and structural adjustments in the economic and social fields, the representative stated that his introductory statement contained the answers to those issues.

16. In his reply to the question on whether the Ministry of Social Development had replaced the former Ministry for the Status of Women, and what impact that would have on the Inter-ministerial Committee and the National Consultative Commission, the representative stated that it was an evolution of the feminist policy of the Government. The intent was to group the various political components under one ministry, which would also be responsible for the implementation of these policies.

17. With respect to the Inter-ministerial Committee, the representative observed that its role was to ensure follow-up action to the feminist and family policies defined by the Government. All relevant ministries were represented on the Committee.

18. The role of the National Consultative Commission was to assist the Head of State in defining feminist and family policies. In relation to the budgetary provisions for the Women's Ministry, the representative observed that it received an allocation similar to that of other ministries, as provided under the Finance Law approved by the Parliament.

## 3. Questions related to specific articles

### Article 1

19. In response to the definition of discrimination in the national law, the representative indicated that a working group had been established in 1993 which was put in charge of the adaptation of the national legislation to the international instruments ratified by the country.

### Article 2

20. With respect to the offence of family abandonment, the representative explained that originally article 332 of the Penal Code penalized abandonment of the domicile by married women, and that, since this text was considered discriminatory, it was replaced by a new one condemning the abandonment of the domicile by either spouse, although it still required that charges for legal action be filed by the wife.

21. Regarding the social, cultural or religious customs having an impact on the lives of women and the role of the Ministry of Women's and Children's Affairs, the National Consultative Commission and the Inter-ministerial Committee, the representative noted that the customs were deeply rooted in the society. The authorities concerned were aware of the need for changing mentalities and had devised a plan of action for implementation to address those customs that had stymied the advancement of women.

### Article 3

22. It was noted that although legal measures had been taken, freedom and equality remained fragile in a retrograde social context and that the Government must make a greater effort to develop women's rights.

### Article 4

23. With respect to the functioning of the training centres and the programmes offered to women, the representative observed that, bearing in mind the high number of drop-out students and the low capacity of the educational system to absorb the rapidly growing school-age population, the State Secretariat and the different ministries relevant to women's issues decided to establish a system of vocational training for women in all administrative departments in charge of absorbing female drop-out students from the traditional system. In these centres, which number about 60, the staff include trainers and monitors who train the girls in home economics, etc.

### Article 5

24. In replying to the questions on the Family Code and the provisions granting a woman the right to take over the management of household affairs in the event of the presumed absence of the husband, the representative noted that in the absence of the husband the wife became the provisional administrator of the properties.

25. It was stated that customs could only be changed gradually and that polygamy was just one form of marriage in Africa. In some cases, it was a choice that women decided to make. Furthermore, it was pointed out that many educated women chose a polygamous marriage because it was easy to enter into and easy to get out of; consequently, it would be difficult to abolish such a practice.

Article 6

26. In response to the request for additional information regarding prostitution, procurement, the penalties provided for under article 323 of the Penal Code and the action taken for the social and economic reintegration of prostitutes, the representative noted that prostitution was not prohibited by law, but was subject to control by the Ministry of Health, which registered all prostitutes for medical check-ups on a bi-monthly basis. If prostitutes did not register themselves, they were subject to a penalty of imprisonment. Furthermore, procurement was a criminal offence under article 323 of the Penal Code and was linked to prostitution and the unemployment of young destitute women.

Article 7

27. In replying to a question on the conditions and circumstances by which women could be deprived of their civil and civic rights or be declared incapable of managing their own affairs and lose the right to vote, the representative noted the provision of article 2 of the Constitution relative to the electoral law, which outlined the ineligibility of electors to vote, in the case of a prison conviction or civic degradation owing to crimes committed. However, these conditions are applicable to both sexes. The women in Senegal enjoyed legal capacity and could exercise it without any authorization.

28. Regarding the question of the participation of women in the public service, for example, in the army and in customs, the representative admitted the existence of discriminatory provisions; however, such provisions could be removed as a result of action aimed at the adoption in the national legislation of provisions contained in international instruments.

29. Regarding the role played by trade unions in encouraging women to participate in the political and commercial spheres, the representative referred to the Constitution, which allowed no discrimination in the enjoyment of this freedom, nor in the active participation in trade unions. He added that women were very active in this field.

Article 9

30. In replying to the apparent discriminatory provision in relation to women who marry non-Senegalese men, the representative stated that the 5-year requirement did not have a discriminatory connotation, but that it was aimed at verifying that the applicant was well integrated in Senegalese society. This provision was also aimed at discouraging arranged marriages for the purpose of acquiring Senegalese nationality.

Article 10

31. In answering the question on the reasons for young women dropping out of school and why emphasis was placed on finding jobs and technical training rather than on encouraging them to return to school, the representative referred to the reasons expressed in other relevant articles and the perception that the place of women was at home. This tendency might disappear in view of the focus of the State and women's organizations on this issue.

Article 11

32. In response to the question about the possibility of women competing for jobs in the civil service and other areas of the public sector on equal terms with men, the representative referred to Law 61-33 of 1967, which contained the rules and conditions pertaining to health, nationality and other requirements applicable to interested candidates. There was no discrimination in the distribution of posts, but there was a hierarchy and there were categories in the allocation of salaries. If there were discrepancies in salaries, it could be in the private sector, where women were usually paid by piece-work while men were paid by the hour.

Article 12

33. In respect of the equal access of women to health services, the representative stated that all medical facilities were available to all those living in the country.

34. In respect of spouses infected with AIDS, he stated that they were alerted early on by the service that discovered the disease, with a view to avoiding its spread.

35. In respect of family planning, he added that methods were available in all the medical centres for the protection of the child and mother and for family planning. However, the rural areas had fewer centres than did the urban areas.

Article 14

36. Regarding the de facto discrimination in rural areas with respect to women's access to land and their voice in decisions affecting the life in the community, the representative noted that the de facto situation had to do with the African perception that the owner of the land was the head of the family, while the women were only cultivators.

Article 15

37. The representative noted in clarifying article 13 of the Family Code that the wife could not leave the domicile unless authorized by the husband. However, this provision had been revoked in article 332 of the Penal Code, which originally had dealt only with abandonment by the wife. The provision had been revoked in the Penal Code in 1977, but the provision of article 13 of the Family Code had not been modified until 1989.

38. The representative reaffirmed that women could fully enjoy their legal capacities without the authorization of their husbands.

Article 16

39. In respect of the several questions raised regarding the age of marriage, arranged marriages, consent of the husband or other members of the family, the representative observed that the minimum age for marriage was 16 for women and 20 for men. He added that although marriage in the country was considered a social phenomenon, the prospective bride or groom, even if a minor, had to express consent first in front of the parents in the presence of two witnesses, then subsequently in front of the relevant civil authority when filling out the papers for the contract of marriage, and finally, in front of the civil official during the actual marriage ceremony, where both bride and groom had to give their oral consent.

40. With respect to the three matrimonial property systems provided for under the law, and in replying to the question on which of the systems (community property, separation of property, the endowment system) women selected more often, which of them women had access to for the administration of their property and how property was distributed upon the break-up of the marriage, the representative noted that the most common system chosen was the separation of property based upon the black African perception of marriage as a family issue, contrary to the greco-roman conception, which viewed marriage as the choice of the individual. Furthermore, the community property system was reserved for spouses who chose monogamous marriages. The dowry system was unknown.

41. In the case of dissolution of the separate marriage system, each spouse continued with their respective property, as indicated initially. In the case of the community property system, the community was dissolved by an official designated by a judge, who would divide the property into equal parts between the spouses.

42. In respect of the support for changes in the law and in practice concerning discrimination against women in the family in relation to the dowry and succession and equally shared parental authority rights, the representative observed the active participation of women's organizations and the political will of the relevant offices to adopt national legislation according to the provisions of the international instruments and to make changes in the texts and in practices which were discriminatory against women. Furthermore, succession and shared parental authority rights were also included in the package of reform under consideration. Regarding the abolition of polygamy, the representative stated that polygamy was not encouraged and that all provisions relevant to the family were usually aimed at restricting it, as in the case of the irrevocable option of monogamy. However, polygamy was a phenomenon which could not be abolished merely by the passing of laws.

43. Regarding the legal position of parties cohabiting and children born out of wedlock, the representative stated that concubinage was not recognized in Senegalese law, although the law in certain cases could be flexible by establishing legal facts. However, in the case of cohabitation, there was the benefit of being able to skip some procedures, such as the official publication

to be made before contracting marriage. Furthermore, children born during cohabitation could not be repudiated or disowned. The representative added with regard to the status of children born out of wedlock that they would take the name of the mother, but if they were recognized, they could then take their father's name. The forced recognition of children was forbidden; it had to be done by their father on a voluntary basis.

### 4. Additional questions

44. It was also noted that the rate of illiteracy was too high and that all women had to have a knowledge of the laws to be able to invoke them. A question was raised as to whether education was compulsory.

45. With respect to political participation, as it was another avenue for women to express their rights, a question was raised regarding what women thought of their representation in this field.

46. With respect to employment, a question was asked about the reason for the limited opportunities for women in employment, and it was suggested that facilities for credit and the development of strategies for women in the informal sector should be pursued.

47. With respect to violence against women, a question was raised as to whether Senegalese law could become more effective in dealing with the issue.

48. With respect to the two forms of marriage, information was needed with which to determine the basis for the choice between polygamy and monogamy, as it was thought that the law which intended to promote monogamy could have unintentionally had the reverse effect.

49. An analysis of the effects of the legislative changes on the lives of women was suggested for the next report.

50. Another question referred to children born out of wedlock, and what could be done to improve their situation.

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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN ON ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

## III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

### Japan

1. The Committee considered the second and third periodic reports of Japan (CEDAW/C/JPN/2 and CEDAW/C/JPN/3) at its 248th and 249th meetings, on 27 and 28 January 1994 (CEDAW/C/SR.248 and 249).

2. In presenting the report, the representative of Japan underlined the importance that her Government attached to the monitoring role of the Committee and pointed out that the change in government in her country in August 1993 had led to epoch-making changes with respect to the status of women and, in particular, with regard to the participation of women in policy decision-making in various fields. As examples she mentioned the appointment of three women Cabinet ministers, of a woman as Supreme Court justice for the first time ever and of the first woman Speaker of the House of Representatives. Copies of the two reports had been widely distributed among members of the Diet, political parties, major women's organizations and journalists. In drafting the third reports, views of NGOs were also taken into account and the Advisory Council to the Prime Minister had been consulted.

3. The main features of the current situation of women in Japan were the progressive ageing of the female population, a decrease in the number of childbirths, a trend towards higher educational attainment, the tendency of

women to marry at a later age and an increase in the number of working women. Women occupied prominent positions in the Administration, the judiciary and the legislature. The rate of female membership in the Diet was 6.8 per cent and in national advisory bodies it was 10.7 per cent. The proportion of women filling managerial posts in the public and private sectors had also been increasing. The representative highlighted the major achievements since the consideration of Japan's initial report in the areas of education, employment and agriculture. She spoke of the plans for enhancing the authority of the national machinery by raising its membership to the ministerial level.

4. Harmonization of work and family responsibility was of great importance to attaining de facto equality. That was why the Child-care Leave Law had been put into force and subsidies given to employers to set up and run child-care facilities. In the Japanese civil service women were free to take entrance examinations in every job category. Recently, full equality had begun to be enjoyed by both sexes with respect to international marriages and adoptions. She explained that since January 1991 the provisions in the Civil Code regarding marriage and divorce had been in the process of being reviewed. Local governments had been very active in promoting measures relating to women since the ratification of the Convention and the community of NGOs was very active in Japan. The representative said that de jure equality had almost been attained; however, customs deeply rooted in stereotypes and the poor representation of women in the decision-making process prevented women from achieving full de facto equality.

## 1. General observations

5. Members congratulated the Government for the progress made in advancing the status of women, especially with regard to the big strides made in a short time, considering the very traditional nature of the society. They commended the authors of the two reports for having followed the Committee's guidelines and for having replied in the second report to the questions that had not been answered during the consideration of the initial report.

6. Regarding the remaining obstacles that still limited the advancement of women, the representative mentioned stereotypes about the roles of women and men in all spheres of life as the principal cause of persistent problems. A major barrier to the participation of women in economic life was insufficient support for the reconciliation of work and family responsibilities. It was, of course, not possible to change the attitudes of people in a short time.

7. In additional comments members commended the extensive replies given to the questions prepared by the pre-session Working Group and they appreciated that in the preparation of the report NGOs had been consulted. Members acknowledged having received a large number of counter-reports from NGOs. That proved the democratic attitude of the Government and showed that women in Japan were mobilizing themselves. However, members felt that the Government should be more attentive to observations made by NGOs, in particular as regards the issues of violence against women and prostitution.

8. Members felt that the status of women in Japan was not commensurate with the level of economic development of the country. Women had made a valuable contribution to the country's economic success without having been given an adequate position in all spheres of life. Yet, in the current recession, they were the first ones to suffer. Given the opportunity, women would make a significant contribution to the political, social and cultural development of their country.

9. Regarding the reports, members felt that they referred only to the positive changes. Although they contained much valuable statistical data, there was no analysis of the obstacles to the advancement of women. It would have been appreciated if the Government had prepared its third report after the Committee's session and had taken the Committee's comments into consideration.

10. It was said that the Government, as a large donor country, ought to direct its official development assistance towards helping to enhance the status of women in recipient countries.

11. In concluding, the representative said that she would convey all the comments made by members of the Committee to the Government in an effort to improve the situation.

## 2. Questions related to specific articles

### Article 2

12. Asked about instances of discrimination against women and the legislative and other measures that had been taken to put an end to such discrimination, the representative enumerated the most frequent ones: the obligation for women to retire at an earlier age than men; the provision of dormitory housing for men, but not for women; the exclusion of women workers from training programmes at factories; the recruitment of men as regular, but women as temporary employees; and the promotion of men over women in identical positions despite shorter records of service. In all those instances, appropriate judicial and administrative measures had been taken to correct the injustices. In other cases, such as complaints that only men were recruited for positions requiring technical skills, that women were not promoted on an equal basis with men and that in the area of recruitment there was discriminatory treatment of female students as a result of the recession currently gripping Japan, discriminatory treatment continued. The Equal Employment Opportunity Law and the Labour Standards Law were currently under review with a view to achieving equal employment opportunity and treatment for men and women.

13. There were also instances of discriminatory customs and practices in areas other than employment owing to stereotypes regarding gender roles; however, their number was declining.

14. In reply to the question as to whether the law relating to equal opportunity provided penalties, the representative stated that gender-based wage discrimination was a punishable offence. Breaches of equal opportunity and treatment in private-sector employment, except for wages, were dealt with

through administrative guidance following investigations made by the Ministry of Labour. In additional comments, members said that the Equal Employment Opportunity Law should provide sanctions in all cases of breaches of the law.

15. Asked about the possibility for women to have recourse to the courts or other tribunals if their rights were infringed, the representative said that anyone might have recourse to the courts to assert rights granted to them under the law. The public service laws provided for imprisonment or fines in cases of discriminatory treatment and any public employee who had been subjected to discriminatory treatment might lodge a complaint or institute a lawsuit.

Article 3

16. Asked whether the National Women's Education Centre offered courses to prepare women for public office, the representative replied that the Centre contributed to the promotion of women's education by organizing practical training courses and conducting research. No courses were needed to prepare women for public office, but the goal was to empower women and promote their participation in public life.

17. Regarding the types of studies and diplomas offered at the Open University, the representative said that the university's Faculty of Liberal Arts offered courses in science in daily life, industrial studies, social studies, humanities and natural sciences, after which a bachelor's degree in liberal arts could be conferred upon graduation.

18. Members commended the Government's intention to strengthen the national machinery and asked whether thought had been given to setting up the office of equality ombudsman. They requested information in the subsequent report on the policies that were pursued to fulfil the targets set for the advancement of women.

19. Members suggested that more attention should be paid to policy measures regarding the status of disabled women and single mothers.

Article 4

20. Regarding the system of reintegration of women employees into the workforce, the representative stated that women who resigned from work because of pregnancy or family reasons could opt to be re-employed. The Ministry of Labour provided a system of grants to employers that adopted and met certain conditions and promoted a comprehensive support plan for the reconciliation of work and child care through the dissemination of information, educational activities, child-care leave, reduced working hours, advice and guidance to enterprises. Since 1988, the proportion of firms that had adopted that plan had increased to 19.7 per cent. One of the reasons for the low percentage was the fear of some firms that they would incur extra expenses in upgrading the skills of returning workers, in addition to the financial difficulties brought on by the current recession.

21. In reply to questions regarding single-parent families, the representative said that households headed by a single mother, irrespective of her marital

status, received loans, counselling, a survivor's pension, a child-rearing allowance and at-home care, and could also obtain night-time child care. Additional special allowances included the payment of a vocational training allowance and the payment of travel expenses.

22. Regarding the Week of the Women, the representative explained that no records were kept on the number of participants, but most of them were middle-aged or older women, and recently, a growing number of men. Efforts were being undertaken to increase the number of younger participants and of men. Other efforts to raise consciousness included the Equal Employment Opportunity Month and a regular panel meeting to solve problems arising from stereotypes and to improve the social environment through wide dissemination of the meeting's proposals.

23. In additional comments, members expressed the view that not enough use had been made of affirmative action, such as the setting of quotas. A question was raised as to whether special temporary measures had been adopted to help in the employment of young women during the economic recession.

Article 5

24. Within the framework of the New Plan of Action to the Year 2000, one of the targets of which was to improve the popular understanding of equality between men and women, several ministries and agencies had undertaken consciousness-raising and public relations activities. The Ministry of Education had established a curriculum extending from elementary to high school which taught gender equality and understanding. Partly as a result of those activities, ways of thinking had begun to change, as could be seen from a public opinion poll conducted in 1992. The representative supplemented that statement by some statistical data.

25. Asked about legal measures in relation to sexual harassment, the representative stated that no specific legal measures existed as yet. The most difficult task was to alter the consciousness of supervisors and male colleagues. The Ministry of Labour had established a study group to look into the problem, launched a campaign and started providing advice to women workers. In one specific case, the victim's boss and employer had to pay damages under a court order.

26. Regarding cases of domestic violence, the representative quoted statistical data compiled in 1992. Although there was no particular provision in the code for the punishment of abuse or maltreatment of a spouse, the use of violence, infliction of bodily injury, confinement and rape were all criminal acts.

Article 6

27. In reply to the question as to what available information had led to the comment that there had been a decline in the number of arrests for prostitution-related crimes, the representative said that one of the main reasons was that dealing with prostitution-related cases had become more difficult with the development of more sophisticated forms of prostitution, such as "dispatch prostitution".

28. There was no statistical record on the incidence of violence against prostitutes. Although it was illegal to be the client of a prostitute, there was no provision for punishment.

29. Regarding the question as to whether the Government had considered providing compensation to women who had been forced into prostitution, the representative said that official organizations never forced women into prostitution. Although the Government did not provide compensation to women who had been forced into prostitution by individuals or private organizations, persons who solicited in public for purposes of prostitution might be sent to the Women's Guidance Home, and girls and women in need of protection were provided with professional counselling, guidance and housing.

30. Asked about the provisions of the Anti-prostitution Law, the representative said that the law stipulated that prostitution impaired human dignity, was contrary to sexual morality and corrupted the morals of society, and emphasized the illegal and anti-social character of prostitution. It was illegal to be the client of a prostitute, but there was no provision for punishment. The purpose of the Act was to prevent, suppress and prohibit prostitution; however, only acts relating to the promotion of prostitution, not the acts of prostitution, were put under sanctions.

31. In additional comments, members observed that the report included very little information about cases of Asian women who had raised issues of exploitation against Japan. Reference was made to cases of sex tourism, the abuse of other Asian women in the Japanese sex industry, mail-order brides and the exploitation of women through forays of Japanese men into other Asian countries. The Government was urged to discourage sex tourism. Particular reference was made to the fate of women who had been forced into prostitution by Japanese men during the Second World War, often referred to as "comfort women". It was suggested that the Government should pay overall compensation to the surviving victims and thus meet its commitment to the women of Asia. They requested an explanation about the measures the Government was planning to take to assist those women.

32. It was said that the report did not provide enough data on prostitution, pornography, violence against women, exploitation of immigrant women, the shelter situation for battered women as well as the punishments for those offences. Members asked whether criminal gangs profited from the exploitation of women and whether geisha girls or hostesses were still common. They urged the Government to undertake a study on those issues and the underlying causes and report on the policy measures taken.

33. In addressing those concerns, the representative said that the Prime Minister had been asked to take stronger measures against organized prostitution. The Government was trying to curb sex tourism through legal amendments that should forbid travel agents to arrange illegal acts for travellers. Any form of prostitution was illegal and the Government was intensifying efforts to protect the rights of foreign workers. Regarding the issue of "comfort women", a study had been undertaken in 1991 and when the findings had been made public in 1993, the Government had extended its apologies

to all those who had suffered damage. The Government was considering now best to express its remorse.

Article 7

34. Members welcomed the appointment of female ministers and noted the Plan of Action of 1977 for increasing the number of women in executive bodies. Asked for clarification of the application of the Plan of Action, the representative said that one of its five basic targets was to achieve participation in society by men and women on an equal footing and one of the priority objectives was to promote women's participation in policy decision-making. The Government was seeking the cooperation of local governments, political organizations, labour unions and women's organizations in its task. In order to promote the participation of women in administration, the Government had set an initial overall target of 10 per cent. The Government had promoted the employment of women as public employees, reviewed the restrictions on women's participation in recruitment examinations for public service jobs, had in 1991 set a newly revised target rate for women in national advisory councils, to be raised to 15 per cent by the year 1995, and abolished all restrictions on women entering the regular national public service.

35. While commending the election of a woman as Speaker of the House of Representatives, members inquired about the reasons for the continuing low percentage of women members of Parliament and the small increase in the number of women in national advisory bodies and in local government. The representative stated that the stereotypes concerning the roles of men and women in society and the short history of women's participation in political life were contributing reasons for the situation. The expansion of women's participation in politics was one of the priorities of the New National Plan of Action. More specifically, the low number of women in national advisory bodies was related to the small number of women who held senior public posts and were in leadership positions. Therefore, the national machinery asked that more women candidates be recommended to advisory councils and be promoted in their own organizations. The low number of women in local government was explained by the low number of women who played active roles, held high positions or had the necessary knowledge or qualifications.

36. Asked about the rate of participation of women at the upper levels in political parties, the representative said that the percentages varied from 1.2 to 18.1 per cent. Their membership varied from 6.1 to 44.8 per cent. The proportion of female trade union members stood at 28.2 per cent in 1993.

37. Regarding the enrolment figure of women in the National Defence Academy, the representative said that, with a total of 71 female students, women had accounted for 7.5 per cent of the total number of students since 1992.

38. In additional comments, members urged the Government to take specific steps to improve the status of women in positions of power and decision-making.

Article 8

39. Asked about the number of women filling diplomatic posts, the representative stated that in 1993 14.8 per cent of the officials in the Ministry of Foreign Affairs were women. Of the candidates who had passed the Foreign Service Specialist Officer Examination in 1993, more than half had been women. There were four women ambassadors. Members suggested that the subsequent report give information on the percentage of female ambassadors and women holding posts in international organizations.

Article 10

40. Members inquired whether the reasons for the somewhat more optimistic view regarding the percentages of girls studying non-traditional subjects during the period covered by the third periodic report were the result of any particular strategies. The representative said that women had been participating in a greater variety of fields of study as a result of changes in attitudes about gender. The Ministry of Education was trying to develop awareness of the equality of men and women at each grade level in elementary and secondary schools and guidance counsellors were encouraging students to select courses of study free of any preconceived notion about gender suitability.

41. Asked for clarification concerning the "open courses" and specialized education, the representative explained that university extension courses provided learning opportunities to adult citizens in various fields. The courses were open to everyone. The open courses provided opportunities to gain specialized knowledge and vocational skills about daily life and current issues. More than half of the participants were women.

42. Regarding any plans to reform the curriculum in order to expand the subjects offered at all levels, the representative stated that after the reform of 1989, the national curriculum for both elementary and secondary education became the same. Home economics was mandatory for all students at the upper secondary school level and industrial arts and home-making had to be taken by both boys and girls at the lower secondary school level.

43. Members noted the women's studies programme offered by the National Women's Education Centre and commended the attempt to introduce comparative international information through seminars as beneficial to Japanese women.

44. Regarding consciousness-raising about gender equality and the corresponding training of teachers, the representative said that the Ministry of Education attempted to give teachers sufficient information about gender equality by holding curriculum classes for each area or prefecture.

45. In additional comments members expressed appreciation for the changes made but said that the reversal of stereotyping in the education system and in the media needed to be extended. Attitudes needed to be changed at an early age and great importance should be attached to the sex education of children.

Article 11

46. Members asked whether the principle of equal pay for work of equal value was being considered and what procedures existed for the settlement of disputes concerning remuneration. The representative explained that the data supplied in the reports did not permit a comparison of average remuneration of men and women. The main factors accounting for a difference in the average remuneration of men and women were seniority, the occupation of the employee and the type of industry in which they worked. The Government was trying to strengthen measures to promote the compatibility of work and family responsibilities and to ensure equal opportunity and treatment, in order to narrow the remuneration gap. Some of the measures included the publication of guidebooks and the organization of meetings to discuss the issue. Labour standards inspectors supervised the observance of Convention No. 100 of the International Labour Organization (ILO) concerning equal pay for equal work for men and women whenever a complaint was filed and also when a violation was revealed as a result of an inspection. In many cases damages had been awarded as a result of lawsuits.

47. Remuneration consisted of the basic wages and allowances. The complex Japanese wage system made it difficult to apply the concept of equal pay for work of equal value or evaluation systems based on gender-neutral criteria, as contained in the Committee's general recommendation 13.

48. Asked whether the Labour Standards Law also dealt with health and safety rules at the workplace and what sanctions were provided for violations of the law, the representative said that issues of safety and health at the workplace were addressed by the Industrial Safety and Health Law, according to which the employer had to ensure the safety and health of workers by establishing a comfortable working environment and improving working conditions in addition to complying with minimum standards. The sanctions were imprisonment or fines.

49. Regarding the type of protection that was afforded to women in agricultural, forestry or fishing industries and the problems that they encountered in ensuring the economic well-being of their families, the representative said that since only 7 per cent of the women working in those branches of industry were employees, the rest being self-employed or family workers, safety measures and working conditions tended to be poorly controlled. However, the competent ministry undertook several measures to improve conditions, such as consciousness-raising and training activities, mutual labour assistance programmes and the establishment of model farms. Female workers in those fields of industry were protected by the relevant labour laws just like female employees in other industries. The major difficulties for those women were to balance their occupational with their household responsibilities and to cope with the undefined role of women in those operations. The ministry provided education through homelife-improvement extension programmes and promoted the reaching of household agreements on the roles and situations of family members, since in those occupations the male head of household was mostly the decision maker and other family members provided the labour.

50. Asked about the rate of unemployment among women and any assistance provided to ensure minimum living standards for their families, the representative said that owing to the prolonged recession the unemployment rate

was rising for both men and women. It stood at 2.8 per cent in November 1993. Unemployment benefits ensured a minimum living standard and were provided regardless of sex for a limited period of time, depending on age and length of previous employment. The Government was currently trying to devise effective employment measures.

51. Regarding a question about the pension systems in the public and in the private sector and the differences between them the representative explained that the national pension schemes provided basic pensions for all. Salaried workers in the private sector were automatically insured under the Employees' Pension Insurance and persons working in the national and local government were covered by the Mutual Aid Association. As the coverage differed in the various schemes, the Government was planning to unify the public pension schemes by 1995.

52. With reference to the current status of the family leave-care scheme, the representative said that the number of firms that had introduced the scheme was gradually increasing. The guidelines issued by the Ministry of Labour described the minimum conditions applicable to permit a worker to take leave to care for a family member, such as duration and gender equality, and contained a list of the persons for whose care leave might be taken. The employee should also be given the choice between taking such leave or making use of such measures as flex-time or staggered working hours. The guidelines had been widely disseminated and were being adopted by many firms; however, the family leave-care scheme had not become law as yet.

53. In additional comments, members appreciated the progress in the employment of women but said that much more needed to be done in areas such as equal employment opportunity, part-time employment and wage disparity. Members observed that the principle of equal pay for equal work had not been complied with, since according to their information women received only 40 per cent of men's wages. They asked what practical measures the Government was considering to improve the situation. Members referred to similar comments that had been made during the presentation of the initial report. Members felt that women in Japan seemed to be subjected to indirect discrimination through the separate trade system practised by private companies. Such incidents needed to be prosecuted just as much as those involving direct discrimination and measures should be taken to make private firms comply fully with the law. Questions were raised as to who paid for child-care leave, the Government or the employer, and as to the kind of obstacles men faced in taking such leave. When women re-entered the labour market, mechanisms should exist to prevent their being forced into part-time employment. Members said that Japanese companies did not make full use of women's skills and capabilities.

54. Asked about social security, maternity leave and pension entitlements of part-time workers, the representative said that they were covered by the provisions of the Labour Standards Law and various measures adopted in 1993.

55. With reference to the Japanese wage system, which is based on seniority, the representative said that it was not discriminatory towards women because of the child-care system. The provision of vocational training for women who re-entered the labour market was paramount.

56. Members asked whether measures had been taken to reduce the working week to 40 hours in order to strengthen the family.

Article 12

57. In the course of additional questions raised, members asked whether there was a nationally organized screening programme for cervical and breast cancer.

58. Members referred to the medical tests that were mandatory for women serving in private bath houses. The fact that they were not informed of the results constituted a violation of human rights.

Article 14

59. In referring to the status of rural women, members said that particular attention should be paid to them as their traditions were usually the strongest and progress difficult to achieve. Special programmes should be designed to involve rural women in decision-making.

Article 16

60. Members observed that very little information had been supplied in the reports relating to the reform of the Civil Code in order to improve the status of women and children in the family and asked for clarification of the current legal situation of women in the family. The representative said that a national advisory commission had started reviewing the provisions concerning marriage and divorce under the Civil Code. An interim report had been published in 1991 and in 1993 the views of the public and of the courts had been solicited. Based on those views, the deliberations of the relevant issues were still ongoing.

61. In additional comments, members referred to discriminatory practices relating to marriage and family relations, such as those regarding forced marriages and children born out of wedlock. Greater consideration should also be given to the elderly female population and, following related research, information should be provided on policy measures and programmes. Members inquired also as to when the ongoing review of the Civil Code was going to be finished and what the reasons for the recent increase in the divorce rate were. Members stressed the need to address rigid gender-role stereotypes in the family and to increase male participation in family life.

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